

WAYS AND MEANS
COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE
Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, March 30, 2006.

MEMBERS PRESENT:

Legislator Lou D'Amaro • Chairman
Legislator Elie Mystal • Vice•Chairman
Legislator Steve Stern
Legislator Ricardo Montano
Legislator John Kennedy
Legislator Edward Romaine

ALSO IN ATTENDANCE:

Presiding Officer Lindsay
George Nolan • Counsel to the Legislature
Gail Vizzini • Director, Budget Review Office
Lance Reinheimer • Budget Review Office
Verna Donnan • Budget Review Office
Richard Baker • Deputy Clerk of the Legislature

Ron Cohen • Aide To Legislator D'Amaro
Linda Bay • Aide To Minority Caucus
Michael Pitcher • Press Secretary to Presiding Officer Lindsay
Lisa Keys • Aide to Legislator Romaine
Bob Martinez • Aide to Legislator Montano
Deborah Harris • Aide to Legislator Stern
Ben Zwirn • County Executive's Office
Ronald Foley • Parks Commissioner
Sharon Cates•Williams • Chief Information Officer
Lynne Bizzarro • County Attorney's Office
Basia Braddish • County Attorney's Office
Pat Zielenski • Real Estate Division
Wayne Thompson • Real Estate Division
Tom Isles • Director of Planning
Cheryl Felice • President, AME
Sandy Sullivan • AME
Eric Sachs, Esq.
John McGrath • Family Law Reform NOW
Gordon Kelley • Family Law Reform NOW
Bred Evans • Children's Advocate Southampton
Stephen J. Walter • ACFC
Greg Fischer • Americans for Legal Reform
Frank Corra
Stephen Walker
All other interested parties

MINUTES TAKEN BY:

Lucia Braaten • Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione • Legislative Secretary

(The Ways and Means Committee commenced at 10:19 a.m.)

CHAIRMAN D'AMARO:

Okay. Good morning and welcome to the committee on Ways and Means, the Suffolk County Legislature. I'd like to ask at this time everyone to please rise and join the committee in the Pledge of Allegiance led by Legislator Kennedy. Thank you.

(Salutation)

Okay. Once again, welcome to the committee. The agenda is available. If you need one, please let us know. We're going to take a few things, a few items on the agenda, out of order this morning. We're going to start by asking Commissioner Ron Foley to please come on up. Mr. Foley, Commissioner Foley, has asked the committee to address IR 1312, which I'd like to take out of order at this time. I'll offer a motion to take IR 1312 out of order. Seconded by our Vice Chair, Legislator Mystal. All in favor? Any opposed? Okay that is now before us.

1312 (Authorizing a license agreement with Developmental Disabilities Institute for use of Hard Estate Greenhouse at West Sayville County Park). Commissioner Foley, good morning.

COMMISSIONER FOLEY:

Good morning, Mr. Chairman.

MR. D'AMARO:

Please go ahead.

COMMISSIONER FOLEY:

Thank you. Thanks for the opportunity. As you said, this is a •• would authorize an agreement with DDI to occupy the greenhouse, a location in which they provide services for autistic children and adults and people with other developmental disabilities.

In exchange for their occupancy they provide plants and flowers for 20 County parks. They have a small retail operation there where they sell plants, and they use it for a socializing opportunity for their clients. It's a relationship that has been going on since 1991. We think it's beneficial to the County and to their client community. And I would answer any questions anyone has about it.

CHAIRMAN D'AMARO:

Okay. Thank you, Commissioner Foley. Are there any questions of the Commissioner at this time?

PRESIDING OFFICER LINDSAY:

Not a question so much as just a statement about the program. This facility is in my district. It's an old greenhouse that was there from the days of when this was a private estate, and it •• it not only enables this very worthwhile charity to, you know, to raise some money, but it provides much needed employment for these handicapped people that give them a purpose in life. And it's just a wonderful program and I think we should embrace it and endorse it. And I would invite any of my colleagues to take a trip down there someday and see what it's all about. It's really something worthwhile to see.

CHAIRMAN D'AMARO:

Thank you.

LEG. KENNEDY:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, Legislator Kennedy.

LEG. KENNEDY:

I certainly want to echo the statements of the Presiding Officer, as a matter of fact. I know DDI as an organization, personally having worked for them 15 years ago as a house parent. And as a matter of fact, my son now works for them as a teacher. So although I would very much like to be able to vote in favor of this, Counsel has advised me that I should recuse.

Nevertheless, the organization does tremendous work and as the P.O. has said, it is a wonderful opportunity for handicapped folks and for the people that work in the agency.

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Kennedy. Are there any other questions or comments on IR 1312? If not, we voted to take it out of order. Is there a motion?

LEG. STERN:

Motion.

CHAIRMAN D'AMARO:

All right. Motion by Legislator Stern to approve the resolution. Seconded by our Vice Chair, Legislator Mystal. All in favor? Any opposed? Abstentions? And that motion carries. **(Vote: 5/0/0/1 Recused: Legislator Kennedy)**

LEG. KENNEDY:

Mr. Chair, we'll mark the record, I guess, that I'm either an abstention and/or I guess recusal at the advice of Counsel.

CHAIRMAN D'AMARO:

So noted. Thank you. Commissioner Foley, thank you, again, for your time. Appreciate it.

All right. The next item to be taken out of order is on IR 1344. That is a resolution confirming appointment of County Commissioner of Information Technology, Sharon J. Cates•Williams. I will offer a motion, once again, to take the IR out of order. Is there is a second?

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal. All in favor? Any opposed? Abstentions? Okay.

1344 (Confirming appointment of County Commissioner of Information Technology (Sharon J. Cates•Williams)).

At this time, then, I would like to ask Ms. Sharon Cates•Williams to please come on up.

MS. CATES•WILLIAMS:

Good morning.

CHAIRMAN D'AMARO:

Good morning and welcome.

MS. CATES•WILLIAMS:

Thank you.

CHAIRMAN D'AMARO:

The resolution now before us, 1344, would result in appointing you or confirming your appointment as the County Commissioner of Information Technology. I welcome you to the committee. Would you like to make a statement?

MS. CATES•WILLIAMS:

I'm sorry. I had not prepared an opening statement. I thought you were going to ask me questions.

CHAIRMAN D'AMARO:

Why don't you tell us a little about yourself and how you foresee running the department once appointed as commissioner.

MS. CATES•WILLIAMS:

Sure. My name is Sharon Cates•Williams. I have been in the technology field for over 20 years, mostly on the corporate side. I worked for Lehman Brothers for 16 years as a Vice President in the Global Technology Division. My responsibility was to take care of all of the invest banking divisions as well as parts of fixed income for all of the U.S., parts of Asia and Europe. And I served in the role of project manager, strategic planner, I was a

trainer at one point, managed a help desk, worked very closely with programmers and developers and just well rounded in terms of technology.

From there, I went to the Town of North Hempstead and I was there for 18 months and helped roll out and implement a 311 help •• non•emergency call number I should say. And also reorganized their technology infrastructure there. They had quite a few issues that needed to be dealt with, systems were old and outdated and needed to be updated. So I was •• I played a big role in making some changes there.

Here at the County since I've been here •• I started in July. I've been going around and looking at the various IT departments. It's kind of fragmented, as you know, and there are issues that need to be dealt with. We have some outdated systems. We have some systems that are sitting on mainframes that need to be migrated off and moved on to more efficient systems. We have a lot of •• or I say a lack of data sharing and I feel that there's a real need for that in quite a few departments.

We have some security issues that concern me, lack of policies, and I've already started bringing together all of the IT •• the key people in all of the IT organizations, there's about 20 or so, we've been sitting for I would say the past two months, and we're looking at issues such as security. We're looking at all of the technology that exists, and we're putting some, you know, real plans in place.

I've also met with quite a few of the vendors that the County uses and I've talked to them about the direction that •• because they've sort of been leading the direction instead of us calling the shots. They've sort of been telling us where we should go and that's really because we don't really have a strategic plan in place, so I do intend to put a plan in place so that the vendors know what direction that we're interested in heading in.

GIS is another area that I've spend a lot of time looking at and talking to various departments. We have quite a few departments that are doing their own GIS work, they have their own initiatives, and we need to centralize that into one.

And I'm really focused on strategic plans for the County and business continuity and disaster recovery is another concern of mine. We don't really have a Countywide plan if something should happen. Not just for the IT but just business continuity in general. I mean, what would we do, where would we go? So I've been talking to people about that, and you know, trying to get people thinking about that, you know, in light of, you know, 9/11 and Katrina, I think there's a lot of benchmarks there and we really need to get on board because we are a huge county and we do have a tremendous responsibility to our constituents to make sure that if something should happen, we have a plan, we're not standing around saying okay, what do we do next.

CHAIRMAN D'AMARO:

Very good. Certainly a monumental task and it's never too early to start.

MS. CATES•WILLIAMS:

And I don't want to go on and on and on.

CHAIRMAN D'AMARO:

Well, that's fine. We appreciate your statement and Legislator Mystal did have a question for you.

LEG. MYSTAL:

Good morning, Sharon.

MS. CATES•WILLIAMS:

Good morning.

LEG. MYSTAL:

And welcome aboard. I know you've been in the job since July. My question to you is that as you have undoubtedly discovered that we have a lot of fiefdom what I call fiefdom in the IT Department in this county.

MS. CATES•WILLIAMS:

Yes.

LEG. MYSTAL:

And people have invested their lives in certain software, in certain languages, COBOL and, you know, whatever it is that they become expert at, and they don't want to give it up and they want to hang on to it because that's what they know, and they figure their job may be on the line if you switch to a new system and new software and new language.

How are you going to navigate this minefield of 20 IT's with different ideas and different software knowledge database or their knowledge base.

MS. CATES • WILLIAMS:

I actually can answer that question. The County payroll system, which is a mission critical application, is written in COBOL which is an outdated language. And there are tons of proprietary products out there that we could certainly, you know, if we had a whole load of money, we could certainly go out and purchase. Now, what I have explained to the players, the key COBOL players is, you know that this software is outdated.

Many of these people are going to be retiring within the next five years, so it's very important that we come up with another plan. Now, five years ago, if someone had said you know, we need to come up with succession planning and we would put people in place so that they could mirror these people, I would feel comfortable with this situation. But that is not what happened. Nothing has happened.

These people are just using this language and they're continuing to develop our mission critical application, and, you know, I have spoken to them about it, and you sort of •• you have one or two choices, this is what I've said. We can give you training so that you can learn another language and we can convert this application to something else, something that the County can live with for the next 20 years, because that would be our goal, 20 or more years, or we can scrap it and just move to another software application and then you can learn that application and maintain it for us.

Because one of the things that I don't intend to do is if we go with another vendor, I don't want the vendor to maintain that application for us. That just would not make any sense. So we really have those two options and, you know, I just state it to them plainly.

LEG. MYSTAL:

I'm one of those COBOL dinosaurs and I know the difficulty of trying to move somebody to another language, and from my experience, you can't. You can't really convert COBOL to anything else. Some people who think that they can and learn the language, it's impossible.

MS. CATES•WILLIAMS:

Right, it would be very, very difficult. And using the payroll as an example, it would be extremely difficult to that, yes.

LEG. MYSTAL:

Thank you.

LEG. ROMAINE:

Mr. Chairman.

CHAIRMAN D'AMARO:

Legislator Romaine, please.

LEG. ROMAINE:

Thank you. Good morning, Sharon.

MS. CATES•WILLIAMS:

Good morning.

LEG. ROMAINE:

I listened to all of your concerns that you raised and I think that every one that you raised plus a lot that you did not, that if you had gone on I'm sure you would have, was right on the money. But that's what it gets down to. All issues of government are issues of money. And you've talked about all your concerns and it doesn't appear that there is sufficient funds to do all of the things that you want. I'm sure you're aware of that, and I'd like to have that discussion with you maybe at another committee meeting about how you're going to be dealing with this. Our Capital Budget is coming up shortly, our Operating Budget in the fall.

But let me ask you some specific questions. One of the things that I'm concerned about about the County is its network bandwidth, which is so small that digital images don't even •• can't even be communicated. You can't even •• it's not even efficient enough for telephone set up and you know that from the 311 experience you had in North Hempstead.

What are you going to do to resolve this and have you made recommendations to this body or to the County Executive about putting money in the budget so that we increase our band width?

MS. CATES•WILLIAMS:

Right. I have not made any recommendations to this body about putting any money in the budget to increase bandwidth. There was, I think, back in •• I'm sorry. December I became involved with the _Wayne_ RFP project. And one of the •• one of the issues that I raised was if we were going to go into another contract with a vendor we need to make sure that we don't just •• we don't just maintain the same level of bandwidth that we have right now, because technology is changing and there are other things that we want to do. In addition to some of the things that you mentioned, I mean, I would like to see us be able to broadcast videos and, you know, things of that nature and we just cannot do that right now.

So my recommendation is with this new _Wayne, WANE_ RFP contract that we make sure that when we sign this contract that it includes some additional bandwidth. And even if we take one step this go round, we can continue to increase as we go on but we •• it makes no sense to sign a contract today that would give us the same level of service that we have.

LEG. ROMAINE:

I'm going to have that on my check off list. But since you're talking about signing contracts with outside vendors, one of my key concerns is that the current infrastructure, the IT infrastructure of this County, is controlled and managed by Verizon.

MS. CATES•WILLIAMS:

Correct.

LEG. ROMAINE:

My personal opinion, this is not a good thing. The County should control and manage its own infrastructure and not depend on outside vendors.

MS. CATES • WILLIAMS:

I agree with you.

LEG. ROMAINE:

Do we have a plan in place to wean ourselves away from Verizon and to take control of our own IT infrastructure.

MS. CATES • WILLIAMS:

The plan that I have in place would require that you train your existing staff or you're going to have to bring in qualified people. That's one of the problems that we have with technology here in the County. You don't have people in place that have the skill set in order to maintain your systems. That's why the County has a history of going to the outside and relying on consultants to do that work for them.

LEG. ROMAINE:

Could I ask you how many vacancies do you currently have in your department?

MS. CATES • WILLIAMS:

In my department I have eight.

LEG. ROMAINE:

You have eight vacancies. And those eight vacancies would ••

MS. CATES • WILLIAMS:

Two of which are secretarial positions.

LEG. ROMAINE:

Right. So six of those positions would allow you to hire people with updated skills.

MS. CATES • WILLIAMS:

Yes, but also you know better than I do that I am confined by the Civil Service system, so, therefore, these positions I have to pull off of a list, and the people that are on that list do not have, and I hope I'm not insulting anybody, but they do not have the skill set that we need. Now, if you are going to ••

LEG. ROMAINE:

I could not agree with you more. Is there •• would one of your priorities as Commissioner be working with the Civil Service Commissioner to ••

MS. CATES • WILLIAMS:

Absolutely.

LEG. ROMAINE:

•• draft new titles that is so desperately needed in this County so that we do not rely so heavily as we do on outside consultants.

MS. CATES • WILLIAMS:

Absolutely. I am a member of the CIO Council for New York State and I have talked to my colleagues. We're trying to •• you know, I'm trying to find out what they're doing, how they're handling it. I've also spoke to the CIO in New York City, you know, how are you dealing with this situation, because we are all in the same boat. Technology is changing, Civil Service is not moving with us.

LEG. ROMAINE:

The other concern I have, and you know it was a concern of mine when I was at the Clerk's Office, is upgrading the County network so the general public would have a single point of access. Could you talk about a single point of access?

MS. CATES • WILLIAMS:

Okay. First we have to start with our website, and it needs a complete facelift, complete overhaul, and we're working on that now. The second step would be to bring all of the County agencies together at the table and I've targeted two groups so far. One of them I consider to be criminal justice

group, and I'm talking to them about sitting down, let's look at these databases that you're all using, let's consolidate into one unified database. Same thing for land records management, County Clerk, Real Estate, I'm sorry, Real Property. Treasurer's Office, Probation. Let's all sit at the table, let's look at how you are working, come up with one unified system. You may not ever be able to accomplish one single portal because of the differences, but if you end up with three, we've done a good job.

LEG. ROMAINE:

You don't have to comment on this because you already mentioned it and it's a concern of mine. Our dependence on outdated mainframe architecture is a big concern of mine.

MS. CATES • WILLIAMS:

Yes, we're paying high maintenance.

LEG. ROMAINE:

Tremendous high maintenance, outdated skill sets. I'm going to be looking for you as Commissioner to come forward with a plan on how we get away from the mainframe architecture, how we put new staffing titles in place, how we provide money so we have a better bandwidth and how we get away from Verizon controlling our network.

All of these things are important, and most importantly, how we build a staffing unit so we are not so dependent on outside consultants for which we really don't get the benefit out of. If we build staff, train staff, retain staff, they are there. Many people work 20, 30 years for the County and we have the benefit of their knowledge. Thank you very much.

MS. CATES • WILLIAMS:

Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Romaine. Next would be Legislator Kennedy, please.

LEG. KENNEDY:

Hi, Sharon. How are you?

MS. CATES • WILLIAMS:

Hi. I'm good.

LEG. KENNEDY:

Good. Just a couple of points, I guess, and observations. Some of the things that Legislator Romaine brought up, you know, we've talked about I guess in depth as well. But I guess I'd talk a little bit about the role and how you perceive it, cognizant of what Legislator Mystal spoke about as well, the culture in the mindset in the various departments is that they are all in essence, in my opinion, islands who are engaged in the independent decision •making guided by whatever particular vendor that department may have some kind of a particular relationship with.

Hence, you have no uniformity when you go into the various departments and it's the antithesis of what you're talking about as far as migrating data and data sharing.

The land records area is a perfect example of where a uniform data pool that would allow the discreet entities to extract the information that's necessary for them to perform their functions is a natural.

MS. CATES • WILLIAMS:

Right.

LEG. KENNEDY:

Yet for ten years that I was there it didn't occur.

MS. CATES • WILLIAMS:

Right. I actually see that a little different. I mean, you're talking about extracting data •• extracting information. My vision was it would be one system and with levels of security embedded in it and so therefore you would only be able to see certain parts of information. But my •• you know, my vision is it's all contained into one system. Okay. Now •• I was just addressing that part of it.

I want to address the first half of your comment. One of the problems that the County has had is that these IT people who live •• who control these fiefdom, they don't really sit down together and strategize together and

that's what I've started having them do. See, it's one thing if you're sitting out in Yaphank and you're doing your own thing and you never talk to the people in Hauppauge and Riverhead. That's the way that it's been. But it takes someone, such as myself, to bring people to the table and say let's talk about what you're doing. And when people start to hear what everybody's doing, synergy begins to happen and it's already started to happen.

So I think that, you know, we've been pretty successful so far since I've been here in getting these key IT people to come to the table and realize that they can no longer live in their own little world by themselves. I'm getting them to use the term countywide and really understand what that means. When it comes to technology, technology is technology. Okay. You could love a piece of software but until you experience something else, you know, you don't •• you're not really married to that anymore and that's what we're finding.

So, you know, I don't •• maybe, you know, I'm just so optimistic and, you know, just very confident in my abilities, but I have not had that problem where people have said to me, you know, I'm not going to give this up. The only thing that people are resistant to relinquishing control of is e•mail and I understand that for security reasons, okay. Certain public safety departments and I won't push that issue. But when it comes to data sharing, when it comes to consolidation of hardware and software, you have to do it because it makes sense.

LEG. KENNEDY:

Again, I applaud your optimism and I think for a Commissioner stepping into this role you need a healthy dose of it because you have seen already you do definitely have your work cut out for you.

MS. CATES•WILLIAMS:

Right, but people are also looking for structure, too.

LEG. KENNEDY:

Well, and the carrot and stick approach I think is very important here so that you engender some cooperation and some discussion amongst departments,

yet at the same time you put the structure and framework in place at the ultimate decision-making segment, which as Mr. Romaine referred to, is the budget. So that notwithstanding a request that comes from some remote outlier that goes in a direction other than your centralized direction, it's not going to go.

MS. CATES • WILLIAMS:

Right.

LEG. KENNEDY:

The other thought that occurs to me is when you were talking about •• I recall at the last CJCC meeting talking about the natural synergies there and where you transcend from both county and unified court system involvement, again from your perspective, the data pooling and even if you look at some kind of a combined input aspect it makes sense there as well. Obviously we have many, many entities in the County that are replicating input and keystroking in the first instance, as well as many users extracting on the other end. So you could gain some synergies there from unified import.

But the other thing, I think, that it's critical for you to go ahead and structure as you are putting this role and framework together is, and I'm not touting my own, you know, bailiwick, but you need a good mouthpiece. The reason you need that is, is because each and every one of these entities, while they may be performing this generic function, will fall back to their statutory requirements, obligations and restrictions, so it can be as most logical as logical in the world to have the courts join with Probation and join with PD and join with the other entities, but each will tell you about the confidentiality and the wall that has to be preserved on the data that goes in. So unless you have somebody who is going to be able to navigate and negotiate that, it's going to be just so much, you know, Kumbaya.

MS. CATES • WILLIAMS:

Well, then that's where I look to all of you.

LEG. KENNEDY:

And we look to you to come forward to us with a cogent.

MS. CATES•WILLIAMS:

Oh, absolutely.

LEG. KENNEDY:

Last question is just something that's, I guess, you know, from my former life where we stumbled into, and we have people in the audience here who helped us very much with that, a choice as far as operating system goes. We were by the long-term County IT folks savaged with the notion to choose an _NT_ operating system and we fought it and went with a UNIX system and it was the right decision because it's like a Timex. It takes a licking and just keeps on ticking.

MS. CATES•WILLIAMS:

It depends on, you know, what you're going to be running off of that, too. So in this case it made sense to go in that direction.

LEG. KENNEDY:

And that's, I guess, what I would ask you as far as when you're approaching a protocol for any operation in any department. Where do you sit there? I mean, how do you see it as far as the two different operating systems?

MS. CATES•WILLIAMS:

That's a good question.

LEG. KENNEDY:

Uh•huh.

MS. CATES•WILLIAMS:

Well, if it ain't broke, don't fix it.

LEG. KENNEDY:

Well, I don't expect you to have to go to that level of detail and I'm not going to sit here ••

MS. CATES•WILLIAMS:

Yeah. I really haven't thought about that one.

LEG. KENNEDY:

And I'm not going to sit here and pretend that I could talk about all differences other than life experience. So what I'd ask you, if you could in some of your contemplation, take a hard look at that, if you would, and tell us what your thoughts are.

MS. CATES • WILLIAMS:

Okay. I will do that.

LEG. KENNEDY:

Thank you.

MS. CATES • WILLIAMS:

Thank you.

VICE CHAIRMAN MYSTAL:

Okay. The resolution is before us to take out of order 1344.

LEG. ROMAINE:

Motion.

VICE CHAIRMAN MYSTAL:

Motion.

LEG. KENNEDY:

I'll second.

VICE CHAIRMAN MYSTAL:

Second. All in favor? Approved. Okay. Now we can vote on the resolution. Somebody make a motion to approve.

LEG. ROMAINE:

Motion.

VICE CHAIRMAN MYSTAL:

Motion to approve by Legislator Romaine.

LEG. MONTANO:

I'll second it.

VICE CHAIRMAN MYSTAL:

Second by Legislator Montano. All in favor? Abstention? No? Motion passes. Thank you. **(Vote: 6/0/0/0).**

MS. CATES•WILLIAMS:

Thank you.

VICE CHAIRMAN MYSTAL:

We are also going to try and take 1406 out of order. Motion by Legislator Stern, second by myself. 1406 is before us. ***1406 (Appoint member to the Suffolk County Ethics Commissioner (Eric Sachs)).*** Mr. Sachs, would you please step up. Good morning.

MR. SACHS:

Good morning.

VICE CHAIRMAN MYSTAL:

Could you, please •• do you have a prepared statement?

MR. SACHS:

I did after I saw Miss Cates.

VICE CHAIRMAN MYSTAL:

Okay. You've got five minutes.

MR. SACHS:

I won't use it all, but I'll use some of it.

VICE CHAIRMAN MYSTAL:

Go ahead.

MR. SACHS:

Good morning, members. My name is Eric Sachs. I'm a practicing attorney for over 20 years. I'm a former Assist District Attorney from the Bronx County. I'm a member here and I live here in Suffolk County for 14 or 15 years. I am a member of close to six or seven different Bar Associations. I was a member at one time with the Bronx County Bar Association Judiciary Committee.

I'm admitted to practice law in the State of New York. I have practiced law by court permission in various other states for various cases. I am admitted to practice law in the federal courts of the United States as well as in the eastern and southern district of New York. I'm a member and admitted to practice law in the United States Court of Appeals for the federal circuit as well as the United States Supreme Court. I am involved and I am a member of the United States Air Force Auxiliary. I'm a mission pilot as well as the United States Coast Guard Auxiliary as a mission pilot for them as well.

I have been investigated by the F.B.I., by the County Police Departments, as well as State and other federal officials to hold these different positions, starting with Assistant District Attorney and being a member of the military, or non•military, or the non•combatant part of the military as we like to refer to it, and I appreciate the opportunity to become a member and work with the County Ethics Committee to further do its business.

VICE CHAIRMAN MYSTAL:

Thank you very much. Any questions? Legislator Romaine.

LEG. ROMAINE:

Good morning.

MR. SACHS:

Good morning.

LEG. ROMAINE:

I only have really one question, because I know that you're qualified to serve on the Ethics based on your background and I'm sure you would be fair and impartial. But there has been a suggestion or a recommendation from our County Executive to allow waivers to the current Ethics Code. In

fact, there was a story that appeared in Newsday yesterday. And the waivers would, I assume, would be determined by the Ethics Commission. Do you have an opinion on waivers to the current ethics laws?

MR. SACHS:

I read that story in Newsday yesterday while I was on the train. And I've read that it is in place in certain locations. I've read that there was a committee, I believe, who is on one of the ethics appropriations committees talking about this how somebody •• and their opinion is that it wasn't a good idea. And until I know more about it, you know, that was the first I heard about it, to know more about it and how it would affect •• obviously I think it's in everybody's best interest to not prevent people from becoming employed. I saw that something was about people who had possibly retired and may have had a conflict of interest at some particular point in time.

I think that the Ethic Commission certainly is involved and must look at a conflict of interest, if there is a former conflict of interest, if the waiver is specific and it doesn't create a conflict of interest, then it may, in fact, be a good thing to keep people working. But I think the committee has to keep in mind what its function is, is to be independent and make sure that there are no conflicts of interest and that people can have full faith in what the Commission does, and therefore, the people who do business with the County will do it the proper way.

LEG. ROMAINE:

I raise that issue simply because I believe the article eluded to the fact that while it may be somewhat common in private industry, in fact the commentor said they had never heard of it in government, in state or local government. So that's why I raise that issue.

MR. SACHS:

Yeah, I had seen that yesterday and I was a little surprised about it. But then again, I wasn't sure exactly what the waivers were or how they would work, so I really would be inappropriate if I gave a 100% comment on it. But certainly if it's not appropriate, then obviously the Commission has to fulfill its mission and that's first and foremost.

LEG. ROMAINE:

Thank you very much.

VICE CHAIRMAN MYSTAL:

Legislator Montano.

LEG. MONTANO:

Yes. Good morning, Mr. Sachs.

MR. SACHS:

Good morning.

LEG. MONTANO:

Thank you for coming. I'm actually reading the article that you're referring to now. But aside from that, I just •• what is your practice now?

MR. SACHS:

Where is it?

LEG. MONTANO:

What is it.

MR. SACHS:

I have a general practice of law. I do a lot of criminal work, a lot of personal injury, and just general real estate, anything that really comes in.

LEG. MONTANO:

Okay. I'm going to pass it on. I want to finish reading this article, Eric.

VICE CHAIRMAN MYSTAL:

Thank you. Legislator Kennedy.

MR. KENNEDY:

Thank you, Mr. Chair. Are you familiar with the other two members that sit on the Ethic Board now?

MR. SACHS:

I have never met them. I've spoken to Judge _Lamar_ recently.

LEG. KENNEDY:

Who is our Director, I guess, for the Ethics Board. My understanding was I guess it was Mr. Johannesen and Mr. Gittelson •• Gittelman, I'm sorry.

MR. SACHS:

I have not spoken to either one and I'm not very familiar with them, no.

LEG. KENNEDY:

Okay. You are almost like a Supreme Court Judge, it is tough to go ahead and ask you about a particular situation, isn't it.

MR. SACHS:

It feels like that.

LEG. KENNEDY:

Like Judge _Scalea_ , you're not supposed to opine in the hypothetical. Your comments, I guess, I think are something that I hope you are able to bring to the position which is obviously we want our Ethics Commission to be able to go ahead and scrutinize situations and apply whatever needs to be applied to preclude any type of a conflict, you know, the disciplinary code, you know the ethical canons, you're an attorney. Nevertheless, you did mention that there is a place for individuals to be able to go ahead and be employed if they are out of, I guess, whatever the previous sentiment was there. And I guess I'd ask you just to speak a little bit about that sense of balance.

You know, everybody is concerned about ethics, but sometimes people can be caught up so that you can conjure almost anything being construed as unethical. Where do you draw the line as far as practicality goes?

MR. SACHS:

You ask a question that we as attorneys always say, you know, anything is possible, so to turnaround and think of hypotheticals, I think hypothetically I

can think of, you know, a million situations and there would be a million just to contradict those.

For instance, you're a Legislator. At some particular point in time you're not going to be a Legislator, and I'm assuming that you're going to want to put food on your table. I don't know how you're going to plan on doing that, but you may be in a position that you want to conduct business. Maybe you go into a business, you open a business. Maybe you have to file a financial disclosure statement. The fact that you were a Legislator, but you are not currently, should not in and of itself prohibit you from doing that business. The current state of affairs, what you do, who you are at that time will determine under the current laws whether or not you would be •• whether there is a conflict whether or not you should be able to do that business. What you've done in a, as you've said before, what you've done in your former life does not necessarily dictate. It should •• it may come into play. It certainly •• you know, we're all people, so being that we're not machines, you know, the fact that you were somebody, you are somebody, you know, can that come into play? It should come into play because that's how you size up a person. But, you know, if your •• the Ethics Commission and for people to be ethical, it's unfortunate that we have to have an Ethic Commission, but I think as long as man deals with man we have laws and the reason we have laws is just because we are not perfect.

LEG. KENNEDY:

Again, you point out, I mean, things that are all pertinent and cogent to us. At any given time we may need to come to you to, you know, seek an opinion or seek direction on anything.

The other thing, I guess, I'll just mention, and I guess it goes without stating, is the confidential nature and the ability to go ahead and have some kind of a query or discourse that is confidential.

MR. SACHS:

That's something that happens approximately, you know, 12 to 13 hours a day in my life. People come in and of the doors, people see each other in waiting rooms but, obviously, you know with the nature of what I do, and what I have done as a prosecutor and as a defense attorney, I'd love to tell you some stories •• •

LEG. KENNEDY:

But you won't.

MR. SACHS:

But I can't.

LEG. KENNEDY:

Thank you.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Kennedy. Was there anyone else on the list, Elie?

LEG. MYSTAL:

No, that was it.

CHAIRMAN D'AMARO:

All right. My understanding there's a motion before us to take this resolution out of order. Is there •• I'll call a vote on that. All in favor? Any opposed? Any abstentions? All right so this is now resolution or **1406** (***Appoint member to the Suffolk County Ethics Commission (Eric Sachs)***). Is there a motion?

LEG. ROMAINE:

Motion to approve.

LEG. STERN:

Pleased to make the motion.

CHAIRMAN D'AMARO:

Motion by Legislator Stern to approve the resolution. Is there a second?

LEG. ROMAINE:

Yes. Second.

CHAIRMAN D'AMARO:

Legislator Romaine, second. All in favor? Any opposed? Abstentions? And the resolution carries. Congratulations, Mr. Sachs.

MR. SACHS:

Thank you very much.

CHAIRMAN D'AMARO:

Good luck to you.

LEG. MYSTAL:

Hope I don't have to see you any time soon.

MR. SACHS:

Me, too.

CHAIRMAN D'AMARO:

All right. I'd like to thank everyone for their indulgence in my absence for a few moments. I'd like to now go back to the regular agenda. Oh, I'm sorry. Yes, thank you. We're now going •• we're back to the agenda so we're going to the public comment portion of the meeting. And this is where any member of the public has an opportunity to speak for up to three minutes on any topic. And I'd like to call the first individual to address the committee, Greg Fischer.

MR. FISCHER:

Thank you. My name is Greg Fischer. I'm from Calverton. Thank you for allowing me the opportunity to speak today. I'm here in strong support of your memorializing resolution in support of shared parenting. This is a very important resolution. I speak on behalf of myself and two organizations today. The first organization is ALR, Americans for Legal Reform. The second organization is Mothers for Shared Parenting.

Together we're authors of the documents presented to you for caucus, and thank you for allowing us to submit them. What motivates the need for shared parenting is the high divorce rates in New York. In Suffolk County, Nassau County, the divorce rates are approximately 50%. Second marriages divorce rates are even higher. Millions of children of divorce are

victims of under parenting. Shared parenting is in 38 states, but not in New York. Shared parenting produces enormous social good. None of the states that have shared parenting seek to repeal it. All of the states that do not have shared parenting have grassroots organizations trying to install it. By way of information, Italy just passed a shared parenting law. The Catholic Church is in strong support of shared parenting as are many other faith based organizations.

Shared parenting is a context of inclusion and acceptance, compromise, conciliation and love. It is fair by every civil rights test. It respects all beliefs, preferences, ethnic backgrounds, genders, etcetera. It honors parents and children that is truly pro•family. Without shared parenting, we tend to cut the branch off the family tree. If a parent is excluded we lose also in those relationships all grandparents, uncles, aunts, cousins. We decimate families.

By way of background, two bills are pending before the Legislature right now. The first is A330, sponsored by New York State Assemblyman Harvey Weisenburg. The second is Senate Bill S291, sponsored by Senator Owen Johnson. Both Legislators are from Long Island. These bills add the presumption in law that unless there is some allegation of unfitness, that parenting will be assumed to be shared. Both parents will enjoy the benefits of parenting and the child will enjoy the benefits of both parents.

Since this is the Ways and Means Committee let me tell you how Suffolk County will save a lot of money with shared parenting in place. First, shared parenting reduces under parenting. Under parenting is an expensive social problem. Under parenting causes a whole myriad of social ills. The social ills are what cost the County a lot of money. Over time shared parenting will save hundreds of millions of taxpayer dollars. The child care lobby says that for every dollar spent on before care or after care, the State can expect to the save seven dollars. The problem is we no longer can afford to spend the dollar.

We must look to other solutions, we must discover shared parenting. Shared parenting is like getting the dollar for free.

As a result, we will need fewer cops, fewer judges, fewer social workers,

fewer buildings like courts, fewer treatment centers of all kinds. I don't know how the child care lobby estimated the benefits to be so low. Considering the high cost of government required to constantly put a band aid on serious social ills that destroy our society, I don't know how we •• the child care lobby underestimated the return.

CHAIRMAN D'AMARO:

Mr. Fischer, I'm going to ask you to conclude your remarks.

MR. FISCHER:

Okay. What will help our issues like drug abuse, dropoutism, suicide, violence, serious mental illness, child molestation, teen pregnancy. There's no social issue •• social ill that doesn't get improved by shared parenting. Thank you very much for your attention, and I ask that you vote unanimously in support of the resolution. Thank you.

CHAIRMAN D'AMARO:

Thank you. Thank you for your time and your comments. The next individual is John McGrath. Please step up.

MR. McGRATH:

Good morning.

CHAIRMAN D'AMARO:

Mr. McGrath, welcome, please go head.

MR. McGRATH:

Thank you. I'm John McGrath, associate representative of Family Law Reform Now and we would like to express our absolute support of this memorializing resolution on shared parenting, which has been presented to you by Legislator Jon Cooper. We recognize that this memorializing resolution is beneficial to all and prejudices no one. And it could only encourage the future practice of good policy. We would like to also applaud Legislator Jon Cooper's insight into recognizing the importance of the family unit and the importance of what's doing best for the future of Suffolk County, whom are our children.

We encourage you, the distinguished members of the Suffolk County Legislature, to sign on and support this resolution as well. Thank you very much for your time.

CHAIRMAN D'AMARO:

Thank you, Mr. McGrath. The next person requesting to address the committee this morning is Gordon Kelley.

MR. KELLEY:

Thank you.

CHAIRMAN D'AMARO:

Come on up.

MR. KELLEY:

My name is Gordon Kelley and I'd like to thank you for this opportunity to address you again. I testified before you repeatedly last fall in helping to defeat a domestic violence bill that did absolutely nothing to protect children. As a divorced father in New York State, it might seem hard to believe that I have no say in my children's education, their religious upbringing, their medical and health care and most importantly, to keep negative influences out of their lives.

Many of these police officers in New York City and New York State are arrested, thousands of them every year, in which someone will go into court, a spouse will file false police reports against them and have them arrested in what is only a tactic in a matrimonial to get the child custody. This child joint custody bill passed, if you would pass it, my local state Senator, Frank Padavan in Albany said he would support this legislation for a father to get an order of protection for his children. I can't protect my children from the negative influences in their lives.

Also this joint custody bill would help to stem the tide of domestic violence, it would be more conducive to parents paying child support, and it would absolutely stop the filing of false police reports statewide. Thank you for your time.

CHAIRMAN D'AMARO:

Okay. Thank you, Mr. Kelley. Next up is Bret Evans. Bret Evans?

MR. EVANS:

Good morning.

CHAIRMAN D'AMARO:

Good morning.

MR. EVANS:

Thank you for hearing me today, Legislators. I am 40 years in Southampton. I have a family, and my children would like to thank you for this memorializing resolution on the table today. And I would like to think of this resolution as a children's multivitamin to keep them healthy and strong. And I hope you see it that way as well. Thank you very much.

CHAIRMAN D'AMARO:

All right. Thank you, Mr. Evans. Next and last the speaker is Stephen J. Walker, it? Sir.

MR. WALKER:

Thank you, Ladies and Gentlemen of the Suffolk County Legislature. I stand before you as a resident of Suffolk County 45 years. I live in the Village of Shoreham. In 1994 a similar resolution, almost identical in verbiage, was placed before this honorable body. In 1994 unanimously the Suffolk County Legislature passed the resolution which was then forwarded to Albany. In 1994 individuals such as Steve Levy, the current Suffolk County Supervisor, Brian Foley, the current Supervisor of Brookhaven Town, agreed with the consensus which was unanimous, that this type of legislation is necessary to help produce a civilizing quality for the familial disputes we now see in our family courts.

Mr. Romaine made a reference to an earlier speaker's concerns about money in government. Money in government is very important. The amount of money that is being wasted today in Family Courts of this State based upon a winner take all policy is off the chart. Makes no sense at all. This bill has been around, by the way, since 1992. It was bipartisanly endorsed in 1992

by Senator Owen Johnson from Babylon and then Legislator David _Sidigman_ from Plainview. It's got bipartisan support going back to 1979 and 1980 when, in fact, the bill that was originated here on Long Island called the _Harriman_ Bill was, in fact, passed by the Legislature in Albany unanimously. It was a shared parenting bill very, very similar to what you have before you today.

It, however, was vetoed by Governor Kerry based on myopic special interests which at the time included the Catholic Church. The church believed 25 years ago that such legislation on the state level would increase divorce. Twenty•five years of that has shown to be a completely erroneous position. The church so much so has changed its position that Italy becomes the first country in the world to adopted shared parenting on a national basis.

So I ask respectfully that you consider that. Your input in Albany is very valuable, and children are the most important commodity we have. And what is being done today to perpetrate the destruction of the foundation of our civilization, that is our children, is something we cannot tolerate. Thank you for your time.

CHAIRMAN D'AMARO:

Thank you, Mr. Walker. We appreciate your comments.

(Applause)

CHAIRMAN D'AMARO:

That is the last card that the committee has before it is this morning. Is there anyone else here who would like to address the committee before we move to the agenda? Okay. Then I'd like to ask the committee members also to turn to the resolutions, tabled resolutions first, section five.

Tabled Resolutions

I'll call first resolution, which is number ***1069 (Adopting Local Law No. 2006, A Charter Law to create a consolidated Department of Audit and Finance Management)***.

LEG. MONTANO:

It has to be tabled.

CHAIRMAN D'AMARO:

Tabled.

LEG. MONTANO:

Motion to table.

CHAIRMAN D'AMARO:

Motion, Legislator Montano, to table.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice Chair Mystal. All in favor? Any opposed? Abstentions.

(Vote: 6/0/0/0).

Next, ***1070 (Adopting Local Law No. 2006, A Charter Law to promote honest budgeting and efficient operation of government).***

That must be tabled.

LEG. ROMAINE:

Table.

CHAIRMAN D'AMARO:

Motion by Legislator Romaine to table, seconded by Legislator Montano. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

Next, ***1114 (Adopting Local law No. 2006, A Local Law to authorize County registry for domestic partners).***

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Vice Chair Mystal to approve. Is there a second?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Yes. I've got a couple questions, I guess, on this bill, questions for Counsel.

LEG. MYSTAL:

You're on. That's why you get the big bucks.

LEG. KENNEDY:

We ready? All right. Counsel, my reading in this bill, confirm it if you will for me, I've read it and I've not had occasion to speak with the sponsor about it. But the registry would be available for not only same sex couples, but this would also be available for heterosexuals who cohabitate.

MR. NOLAN:

Correct.

LEG. KENNEDY:

And, yet, what it would do is it would provide, I guess, the same sense of validity, I guess. I'm told that with this certificate that can be had, folks are able to go ahead and avail themselves of various types of benefits, be they inheritance benefits, insurance benefits, medical, this, that, and the other thing.

I personally think that what this does is raises a dichotomy there. Certainly I do not look to go ahead and have people deprived of the benefits. Same sex couples, obviously, should be able to avail themselves of this. Nevertheless, I think that there are alternatives, basically marriage, for people who are heterosexual.

The other issues I go to with this bill are some of the mechanics. The language associated with this and the duties that are charged for the Clerk's Office appear to be somewhat vague and would differ substantially from other areas where there are recordings and filings and confidentiality. And I'll analogize it to the domestic relations law and the filing of divorce decrees and the access to those same.

This registry would allow far greater access as far as this information and these certificates than you will find associated with the divorce decrees.

I think what it does is the difference in the standards and the somewhat vagueness in the standards in this puts the personnel in the Clerk's Office in much more of a substantive role and almost a quandary. The other areas that the Clerk's Office has asked to go ahead and function in have very bright lines, it's very black and white. There is no substantive determinations that would have to be made as far as who can and who can't have access to information. So those are my concerns with this bill at this point.

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Kennedy. Legislator Montano, if you will.

LEG. MYSTAL:

I thought the question was for Counsel.

MR. NOLAN:

That wasn't a question.

LEG. MYSTAL:

It wasn't a question. Oh, it was a comment.

MR. NOLAN:

No, he asked me a question.

CHAIRMAN D'AMARO:

Did you want a response from Counsel?

LEG. KENNEDY:

Well, no, I did get the response about the application to non•married heterosexual couples.

CHAIRMAN D'AMARO:

Right, okay. Go ahead.

LEG. MONTANO:

I just had a question for Counsel. Do we have in Suffolk County a law in the towns that's identical to this one or tailored •• this one is tailored after? I thought there was, that's why I'm asking.

MR. NOLAN:

I know at least several municipalities in the County have a similar law. I know Huntington does have a registry and I believe Babylon.

LEG. MONTANO:

Does this law expand, to the best of your knowledge, or is it basically in conformity with what's already on the books in some of these municipalities. If you know.

MR. NOLAN:

It's very consistent.

LEG. MONTANO:

Thank you.

CHAIRMAN D'AMARO:

Do you want to comment?

LEG. KENNEDY:

Counsel, I guess I'd just follow•up on Legislator Montano's questions. I have some knowledge of some of the town registries, but I was under the impression that that was limited only to same sex couples. I thought that this bill went further by expanding that same registry aspect for non•married heterosexual couples.

MR. NOLAN:

That I cannot speak to. I don't know if the town •• I know they have registries for domestic partners, but I don't know if they extend out to heterosexuals.

LEG. KENNEDY:

Thank you.

CHAIRMAN D'AMARO:

Legislator Romaine.

LEG. ROMAINE:

Again, this is for Counsel. The adoption of this County law, would that supersede the existing town laws that are on the books at various towns?

MR. NOLAN:

I don't think it would have that affect, no.

LEG. ROMAINE:

So, if I was resident of Huntington, theoretically I may have to file both in the Town of Huntington and with the County of Suffolk, or do I file with one and not the other? What is the affect of having two competing resolutions with the similar purpose at two different levels of government?

MR. NOLAN:

I believe a person could register with both, even though I think that's unlikely that a person would do that.

LEG. ROMAINE:

Okay.

MR. NOLAN:

I mean, you know. They are free to register with either the County, the town or with both.

LEG. ROMAINE:

So this law does not put ourselves or does not put the town laws in conflict

with our law, doesn't supercede the town law. That's what I'm asking.

MR. NOLAN:

It does not superseded the town law.

LEG. ROMAINE:

So the town law stands.

MR. NOLAN:

It would stand. They could continue to register to get the certificate from the town if they wanted to. A person could do that or they could go to the County.

LEG. ROMAINE:

Okay. Thank you.

CHAIRMAN D'AMARO:

All right. Any other questions or comments?

LEG. STERN:

Just a comment.

CHAIRMAN D'AMARO:

Legislator Stern.

LEG. STERN:

Mr. Chair, I just wanted to note for the record that with passage of this legislation, that although it affords certain important rights, that it certainly doesn't rise to the level of extinguishing other responsibilities that those who take part in this registry would need to pursue, such as executing powers of attorney with each other or health care proxies that nothing in this legislation would take place of those very important documents, and I just want that noted for the record.

And also that in having conversations with the sponsor that he has assured me that that type of information, that kind of documentation would be

distributed at the time those that go down to the office to sign up for the registry, that they would receive that very important information.

LEG. KENNEDY:

Mr. Chair I guess •• just if I can follow•up on the issue that I had presented before, and I will oppose this because of the things that I've stated. If you go to Section 5A, clearly this adds a component that is not in place under domestic relations law 235 as far as those that have access to records associated with a divorce proceeding. It is only the parties to the proceeding and/or the attorneys of record.

This adds a new category as far as individuals who have been provided some written authorization.

I pose to you that that creates somewhat of a dilemma or quandary, as I had said, where we now have County personnel who are being asked to go ahead and verify, I guess, the legitimacy of some written note that's being presented when others request this type of information.

The other item that I'll point out is there is a limitation as far as the restrictions for access and some of the other information of 50 years in sub B. In all my time in the Clerk's Office, and certainly Legislator Romaine will speak to it as well, the State Archive and Retrieval Administration is the entity that makes the determination and governs the duration, the availability, and the requirements as far as storage. It was never a situation where we selectively or the local level could make any determination.

LEG. ROMAINE:

With the Chairman's permission, I believe that was the C02 schedules established by the State Archives and Records Administration that the determines the duration of which all records must be maintained. This County has adopted that back in 1990. We adopted the C02 schedule as our official records maintenance schedule, so anything this resolution •• if it conflicts with that, creates a legal dilemma. That's what I'm asking. Maybe does it conflict with the State ••

MR. NOLAN:

Can you come again with that question, what the question is?

LEG. ROMAINE:

It's the amount of time that we have to maintain these records for. Does this legislation spell out the amount time that we have to maintain the registry for? Does that conflict with the State C02 schedule for local governments?

MR. NOLAN:

I do not believe this law states how long the records have to be maintained for.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

Yeah. I'm a little confused with respect to Section 5B. The way I'm reading it, I don't think it speaks to maintaining the records for 50 years. I think it speaks to maintaining the confidentiality of the records for 50 years. So the way I read it is the records are confidential, except to the following, you know, parties indicated in schedule •• in schedule •• in subsection or Section A of five, but thereafter, after 50 years, the information could become public. Is that a proper interpretation?

MR. NOLAN:

That is correct.

LEG. MONTANO:

Does that conflict with State law in your opinion?

LEG. ROMAINE:

Well, my opinion, it appears that there's a mandatory requirement that these records be maintained for at least 50 years.

LEG. MONTANO:

I guess my question is, would divorce records fall under the same 50 year restriction? In other words, if somebody wanted to delve into divorce records 50 years after the divorce, would those records become public

information at that point.

LEG. ROMAINE:

I believe that they're maintained for a longer period of time.

LEG. MONTANO:

It's not the maintaining.

LEG. ROMAINE:

And the confidentiality.

LEG. KENNEDY:

Through the Chair. At no point can a record such as that that's deemed confidential in the first instance merely by age then be able to go ahead and be considered within a general domain.

LEG. MONTANO:

That's what I'm thinking about.

LEG. ROMAINE:

Right. No, its parties and the attorneys at the time of the divorce.

LEG. KENNEDY:

Similar to any type of a sealed court record or things associated with that. It remains confidential. It's sealed for its duration.

LEG. MONTANO:

Even after •• just so I understand this. Even after 50 years in a divorce proceeding someone would have to go to court and seek an order to unseal the records. Is that right?

LEG. KENNEDY:

Very much so. As a matter of fact, we had occasion where we would have a Supreme Court order directing that records be released to such and such a family member, perhaps, you know, a child, a grandchild if it involved trying to resolve property issues or money issues or any of the things that might be in a separation agreement or divorce proceeding.

LEG. MONTANO:

So my question to Counsel is, then why would we put a limitation or why is there a limitation on the confidentiality of records for 50 years?

CHAIRMAN D'AMARO:

I'm reading the statute itself or the resolution itself, Section 5B. What it says to me is this does not go to •• first of all, it does not speak to the length of time you must maintain the record. It goes to the confidentiality of the record and I think that point has been made.

Second of all, I think Subsection B is really just a means to waive the confidentiality aspect. Certainly in Subsection B1, a party to the domestic partnership by sending a third party would be de facto waiving the confidentiality. And B2 deals with one of the parties to the domestic partnership seeking information and getting a very limited answer or response to the inquiry.

So, you know, this is a •• this is more to me like a limited type of waiver made by the •• one of the parties to the partnership itself and I'll defer to Counsel if I'm accurate or not.

MR. NOLAN:

That's the way I read it as well.

CHAIRMAN D'AMARO:

All right. Are there any other comments?

LEG. KENNEDY:

I •• again, I guess I've stated the concerns and the objections that I have as far as the breadth of the resolution and also as far as the legal impediments. I would be happy to go ahead and speak with the sponsor. I guess that would involve a motion to table, though, at this point. Or in the alternative perhaps I could vote for a motion for a discharge without recommendation and have a conversation before Tuesday. But based on the items that have been raised I think that we have both •• okay.

LEG. MONTANO:

Let's do that.

LEG. MYSTAL:

Do that motion to discharge without recommendation.

CHAIRMAN D'AMARO:

All right, then, I'll call the question. We need a motion on IR 1114. Is there a motion?

LEG. KENNEDY:

I'll make a motion to discharge without recommendation.

CHAIRMAN D'AMARO:

Is there a second?

LEG. ROMAINE:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Romaine. All in favor of the motion? Any opposed? Any abstentions? The motion carries and the bill is discharged without recommendation. **(Vote: 6/0/0/0).**

1152 (Directing evaluation of privatization of Suffolk County Off• Track Betting Corporation by the Legislative Office of Budget Review). Is there a motion?

LEG. MONTANO:

I'll make a motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to table. I'll second. Any discussion? All in favor? Any opposed? Abstentions? Motion to table carries.

(Vote: 6/0/0/0).

Next ***1187 (Authorizing the sale pursuant to Local Law 16•1976, of***

real property acquired under Section 46 of the Suffolk County Tax Act Steven P. Glass, Administrator of the Estate of Ethel Grace (SCTM 0200•928.00•04.00•027.000, 0200•958.00•08.00•043.000, 0200•958.00•09.00•001.000, 0200•958.00•09.00•002.000, 0200•958.00•09.00•003.000, 0200•958.00•09.00•004.000, 0200•958.00•09.00•005.000, 0200•958.00•09.00•006.000, 0200•958.00•09.00•007.000, 0200•958.00•09.00•008.000). I'll offer a motion to approve.

LEG. MYSTAL:

On the motion.

LEG. MONTANO:

Well, we need a second, right?

CHAIRMAN D'AMARO:

Is there a second?

LEG. MYSTAL:

Second.

LEG. MONTANO:

All right. On the motion after Legislator Mystal.

LEG. MYSTAL:

Anybody remember why this was tabled in the first place? You do?

LEG. MONTANO:

May I?

LEG. MYSTAL:

Go ahead.

LEG. MONTANO:

Is the Real Estate Commissioner or Director of Real Estate here? Oh, you're here on this, Ben?

MR. ZWIRN:

Pat's here.

LEG. MONTANO:

Is Pat here? I believe that this was the properties, a number of properties, that were located in the Village of Bellport, and the taxes go back, the unpaid taxes go back a period of approximately 25 years. And I think we wanted to do a further review of this in view of the length that the back taxes remain unpaid and, you know, basically the size of the plot also has •• raises some concern. North Bellport.

LEG. ROMAINE:

North Bellport.

LEG. MONTANO:

Not in the Village.

LEG. MYSTAL:

The question is we had tabled this resolution before and because we wanted to know why after 20, 25 years this was coming back for an action to redeem the property. And also we had some questions of the lot sizes. Did you have any answer as to why after 25 years somebody wants to redeem this as to •• usually we sell this thing within six years.

MS. ZIELENSKI:

Yes. As I think we may have discussed in the last cycle, this property was taken prior to the Mennonites Law. It was caught up in a moratorium that Brookhaven Town requested on the sale of any substandard lot in the North Bellport designated area. When it came out of the other end of the moratorium it was then reviewed for public auction. At the time of the review, it was found that proper notice had not been given. So notice was sent at that time, and the executor of the estate of the prior owner responding to the notice made application for redemption.

LEG. MYSTAL:

Are those lots contiguous to each other or just pieces of land, you know,

here and there, all over the place?

MS. ZIELENSKI:

The maps are in your backup material on the thing as I have and we'll look them up for you here.

LEG. ROMAINE:

Yeah, they are contiguous on _Green_ Avenue.

LEG. MYSTAL:

So, in other words, if you put all of them together you have a serious piece of land.

MS. ZIELENSKI:

You may have •• yeah, you may have. Yes. The issue here is really a matter of an as of right redemption or not.

LEG. MYSTAL:

Well, Ms. Zielenski, that's my problem, I'm not going to speak for anybody else, in terms of as of right redemption. This is 20 •• what, 21 years?

MR. NOLAN:

Twenty•five.

LEG. MYSTAL:

25 years and you're saying this was our mistake, our goof, you know, our •• we erred in this?

MS. ZIELENSKI:

No, it was circumstantial error. It was because the property was taken many years ago and before the current law. It was not taken under the current law. The •• currently we're faced with a situation where if we don't provide notice we can't sell the property because the •• because the title is •
• by today's law it's defective if we haven't given proper notice.

CHAIRMAN D'AMARO:

All right. Hold on.

MS. ZIELENSKI:

It's an anomaly.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

Ms. Zielenski, this property, could this •• let me •• you say as of right, but really the Legislature has the right to reject the redemption. Am I correct?

MS. ZIELENSKI:

I don't know that. I would defer to Counsel.

LEG. MONTANO:

I think we do, otherwise it wouldn't be here. Could this property be subject to a 72•h transfer if we could find a •• if the municipality were willing to work with the County to put affordable housing on this property. Is that something that legally feasibly we could do?

MS. ZIELENSKI:

I don't know.

LEG. MONTANO:

Could you look into that?

MS. ZIELENSKI:

Well, we could ask the Law Department.

LEG. MONTANO:

Excuse me?

MS. ZIEKLENSKI:

We can ask the Law Department.

LEGISLATOR MONTANO:

All right. You want to table it?

CHAIRMAN D'AMARO:

Legislator Romaine.

LEG. ROMAINE:

My question is for Counsel. Counsel, what is the powers of the County Legislature regarding Local Law 16's? Do we have the power to vote against a Local Law 16 or do we not.

MR. NOLAN:

You do have the power. And the other question, I raised this at the last meeting, is I •• under the Local Law 16, the application has to be made within six months of the recording of the tax deed. That period is long since passed, so I don't even know if this is the proper vehicle to return the properties or to convey the properties.

LEG. ROMAINE:

Call the question.

LEG. MONTANO:

No, I'm going to make the motion ••

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

Again, I raised these the last time we had this bill before us. I guess I'm just going to say it again as my colleagues seem to. I'm very troubled by this one. My recollection is that, you know, the Mennonite Supreme Court decision was in the early 90's. Were we to go back over all of the records for properties that had been taken, I cannot imagine that we would be applying this same rule across the board.

I think it was incumbent on the parties to go ahead and seek to, you know, resolved this. They could have brought an action to acquire title. They could have done many, many different things and they elected not to. I'm uncomfortable with this and I won't vote in favor of it.

LEG. MONTANO:

I'm going to make a motion ••

LEG. MYSTAL:

Wait. One last comment. Ms. Zielenski ••

MS. ZIELENSKI:

Excuse me. This is Mr. Thomas who has some information ••

LEG. MYSTAL:

Before Mr. Thompson speaks, let me just tell you ••

MS. ZIELENSKI:

•• that may be helpful.

LEG. MYSTAL:

What I'm afraid of is if we pass this legislation, we are opening ourself to a lot of different lawsuits from people that we've taken their property and we've sold that property in •• at auction and we told them the reason why we did that is because they did not file the required papers on time, they did not try to redeem the property on time. Because I've had problem with your department a lot of times trying to redeem property for people who've only been behind two or three years and now you're telling me 21 years later this thing can be done and some enterprising lawyer, like my son, can come back and sue a whole lot of people.

MS. ZIELENSKI:

But that's a matter of notice.

LEG. MYSTAL:

Yes, and I understand.

MS. ZIELENSKI:

If people haven't been given notice it's different than if people have been given notice.

LEG. MYSTAL:

Ms. Zielenski, I have seen people where they say they did not receive the notice, they were in Florida or they had some other problem, all this kind of thing that they gave me. And the department has said no, you can't redeem the property because it's not our fault that you didn't receive the notice if we send it to you and you weren't there when you were supposed to be somewhere, you know, where we had the address for you. I am very scared of this, this thing scares me. I'm done. Anybody have any question for the other guy, I don't know.

MR. THOMPSON:

Just as a point of clarity ••

LEG. MONTANO:

Who's speaking?

MR. THOMPSON:

My name is Wayne Thompson.

LEG. MONTANO:

I know that but I mean your position.

MR. THOMPSON:

I take care of all auctions, sales, outbound properties for the County for the last 25 to 30 years. I'm not fond of giving property away like this that could go to affordable housing. The problem lies in not the legality of what you're talking about, but the business end of it. If I tried to give it to affordable housing, when they passed it on to the actual occupant or the end person, the title company would object that service was not done properly. And we've had some of these come back to us and we've told them well, legally we've done all we could. But the title companies make the objection. It's not a matter of whether it was legally served, it was whether or not the title company will actually insure it.

So in a sense you're dealing •• you've got are two objects to deal with. It does no good to give something to affordable housing if they get stuck with it. The same thing is true if I try to sell it at public auction. A title company

is going to make an objection. Now, they could say, and the County Attorney will say we did what we were supposed to do, mail it where it should have gone, I'm sorry if he wasn't there, I'm sorry if he was dead, but we did what we had to do. It is the problem with the title companies. I deal very closely with them, at times to actually ask them to come in and say listen, this is the length we've gone to try to find the owner or the heirs of the owner or the heirs of the heirs to see if they will take that gamble. It's a business decision. Quick claim deeds don't work for us. I've tried that at auction also.

CHAIRMAN D'AMARO:

Legislator Kennedy, go ahead.

LEG. KENNEDY:

Wayne, you and I have talked about issues like this many, many times. And I appreciate the fact the department is sensitive to what an insurer will or will not insure. However, we'll both agree that the title industry is a zero risk business, and therefore they'll seek to go ahead and have us do everything under the sun to ensure that they incur no risk ever when it comes to insuring County properties.

Secondly, what I would say to you is it's a simple matter to bring •• you know, a show cause order or to move the court to set aside any question as to whether or not there's any legitimacy still here for some remote and distant owner. So I do not see it as something where it is •• we are bound or compelled because some profit making entity refuses to insure. Absolutely not. No, I think we have other recourse.

And, again, as I said, I mean, this is just far too remote and would be way too precedent setting to allow wildly, wildly creative claims, as Legislator Mystal has said, to come out of the woodwork, challenging things that are, you know, 20 years old, 30 years old, 50 years old. I don't see the wisdom in it.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

Yeah, I would have to agree with my colleague. This is not a situation where, you know, Grandma, you know, fell back on her taxes and now, you now, somebody is coming in to redeem the property. This is an estate that goes back 20 something years. And it was mentioned earlier, and I understand your concern about the titles, but that's not really the concern that I think we need to address. Very simply, let them move, whoever is interested, let them move to acquire title, and if a court decides that there are some claims there, then we can deal with them. I don't think that this Legislature should act upon what may •• what a title company may or may not do, because as Legislator Kennedy said, they're looking to charge a fee, insure the title, and not have any risk whatsoever. This is a large track of land that I think could go to a public purpose in terms of, you know, getting some more shovels in the ground for affordable housing. I think we ought to look at it.

I'm going to make a motion. If it's not on the table, I'm going to make a motion to table it, and let's look at this and maybe by the next meeting we can, you know, have an in office discussion as to what the possibilities are for this track of land and we can deal with did the late. I don't think after 21 years there's any emergency in dealing with it right now. Motion to table.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

All right. Motion by Legislator Montano to table. Seconded by Legislator Mystal. Before we vote I would just like to ask Ms. Zielenski •• I'm sorry, did you want to say something? Go ahead.

LEG. ROMAINE:

I'll make it very quick. Mennonite isn't an impediment in perpetuity. There are remedies and you can seek the remedies from the court, and Legislator Montano and Legislator Kennedy and Legislator Mystal are exactly right on this issue. There are remedies that you can seek. And it is a business decision by a title company and you can clear title through the court on this issue, and why would we not want to clear title after some 20 years and

offer this for affordable housing? I think tabling is absolutely the wrong motion. I would vote to defeat this motion.

LEG. MONTANO:

Can't we acquire title ••

LEG. ROMAINE:

We certainly can.

CHAIRMAN D'AMARO:

That was really my question is was any consideration given, since the County is now the record holder of the parcels, could the County itself pursue the declaratory judgment or what have you to acquire title?

MS. ZIELENSKI:

I can't answer that.

MR. ZWIRN:

Because the question is notice on this, it's not ••

LEG. MONTANO:

No, no. The legal question •• if I may, the legal question is notice. But what we're saying is that since the County now has title and if there's an issue with respect to the title, we •• why can't the County Attorney's Office move on behalf of the Legislature to acquire title on this instance. If we can't acquire title •• if we don't have clear title then we may decide to go with the 16. But if the court says no, this is appropriate for the County to move forward for some other purpose and I'm going to acquire title, then we can do it. And I think that's maybe the way we should go. I don't know if it's been done before but, you know, as a lawyer, I'm sure that we can.

CHAIRMAN D'AMARO:

If the judgment were to issue, giving title free and clear to the County of Suffolk, certainly going forward there would be plenty of title companies willing to insure that title. And, you know, I wasn't here for the last committee for personal reasons, but just by way of background, is the estate of Ethel Grace the original owner, then, of this parcel?

MS. ZIELENSKI:

Yes.

CHAIRMAN D'AMARO:

Okay. I just wanted to clarify it. All right. Then there is a motion on the floor to table this •• excuse me, to table the resolution. I'll call the question. All in favor? Any opposed? Abstentions? Motion carries and the resolution is tabled. All right. **(Vote: 6/0/0/0).**

Next is ***1213 (Adopting Local Law No. 2006, A Charter Law to allow for the introduction of Local Laws and Resolutions by all Countywide Elected Officials).***

LEG. MYSTAL:

Oh, Ed.

CHAIRMAN D'AMARO:

I'll offer a motion to table. Is there a second?

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. On the question.

LEG. ROMAINE:

On the question. This is a very simple resolution. We have a number of Countywide elected officials. The Charter provides that the County Executive, as he should, has the privilege of introducing through the Presiding Officer resolutions of concern that he wants us to consider. The other department heads that independent elected department heads that don't report to the County Executive, in my opinion, should have that same opportunity.

Let me give you an example of why and I'll end it with this. Last year as County Clerk, I've never had a Presiding Officer tell me I can't introduce

something. And we got our Capital Budget in there. Every one of our capital budget submissions were vetoed by the County Executive. Almost every one of them was overridden by this Legislature on 17•0 votes. This year, the acting County Clerk submitted the Capital Budget appropriations to appropriate the money, the Presiding Officer introduced it, and then at the request of the County Executive withdrew it and said well, that really should go through the County Executive.

Well, that is giving the County Executive a second bite of the apple to •• he didn't want these resolutions to begin with and it's giving him super legal powers to restrict access to this Legislature of resolutions concerning that department that should come before us. I think that the Comptroller, the Treasurer, the District Attorney, the Sheriff and the County Clerk on resolutions that affect their departments, should have the ability to put it before us.

We can defeat them, we can table them, we can approve them, but we should have the opportunity to hear their points of view without going through the filter of the County Executive. And it's not a slap at the County Executive, it's simply giving other department heads the opportunity to present, there's very few resolutions that come from those departments, to present those resolutions if they so desire.

I understand there's a motion to table, and I certainly will support that. But I wanted to make the argument because it's a very short argument and it's not •• believe me, this is not an attempt to slap at the County Executive, it's an attempt to widen the powers of the Legislature to hear directly from Countywide independent elected officials.

LEG. MYSTAL:

Ed, a couple of, you know, things. One is that any department or any other elected official always has the ability to approach one of 18 members in this horseshoe and have them introduce legislation. The difference between the other elected official and the County Executive is that the County Executive is the fiscal overload, so to speak, of this County. To allow other elected official to be able to present resolution on their own is fiscally •• they don't have the authority. It's fiscally irresponsible. You know, they can come to

any one of us, and also they can go to the County Executive himself or herself, you know, and ask for resolution that they want to put in. So I don't see the problem.

To me, to give them the ability •• and the other part that you address was the fact that, you know, your Capital Budget, you know, people, the County Executive vetoed it and it was overridden. Well, that gives you exactly what you want, because even if the County Executive's against it we still have the, you know, the override power to override whatever he does. So I don't see the problem there.

And the third thing I want to address is purely political. It's purely political. We have a change in government. You know, whether or not your side recognizes or not, we do. You know, new sheriff in town kind of thing.

LEG. ROMAINE:

We do have a new sheriff in town.

LEG. MYSTAL:

Okay.

LEG. ROMAINE:

Who's a Democrat.

LEG. MYSTAL:

I think that's the basic problem that your side are having because of, you know, resolution not getting through. You know, it's just political reality, that's all it is, which, you know, could change.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

I think Legislator •• I know Legislator Mystal touched on the points that I was going to address. Quick question. Do we have other jurisdictions that allow non •• you know, other than the County Executive, have the same type of government to introduce resolutions on their own? I've never heard

of that, to be quite honest. Even at the State level I think that, you know, the Comptroller and the Attorney General do not have the authority to introduce resolutions unilaterally. Department heads don't have the right to introduce resolutions.

There's a vehicle. There are, you know, 18 Legislators from three different political parties, there's a County Executive, that's the way it should remain. If a department head or the Clerk's Office •• and even when you were in the Clerk's Office, Mr. Romaine, there were a number of bills that came before this Legislature that were sponsored by and supported by various members of the aisle. I don't think it's ever been a problem in terms of getting issues debated, put before the Legislature, but to open up the process to allow any elected official to come with a resolution I think would be inappropriate. We have enough resolutions as it is. We don't need any more.

LEG. ROMAINE:

They were all introduced by the Presiding Officer, all of them.

LEG. MONTANO:

I could do •• you want a bill? Call me.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

The piece that, I guess, I would like to add to this discussion, if you will, is I think Legislator Romaine makes reference to an important procedural aspect, notwithstanding our change in government and all the other things that have occurred as far as the various sides go. The parties that are referenced in this are state constitutional officers and on occasion what happens is their obligation under the statute may not necessarily always comport 100% with what the County Executive, who is not a state constitutional officer despite the fact he's the Chief Fiscal Officer, may deem fit.

So by not allowing this to occur, we diminish and restrict, and I think improperly restrict, the state constitutional officers in carrying out whatever

those duties are. Be it the Sheriff to be able to properly incarcerate, the Clerk to be able to properly, you know, process records, the Treasurer to be able to carry out his various duties. So I view it as far as trying to conform structurally and procedurally with where the various entities duties are and how they're derived in the statute.

LEG. MYSTAL:

Legislator Kennedy, I find it hard to believe that any elected official, whether it be the Comptroller, the Sheriff, the Treasurer, could not find one of the 18 Legislators to introduce whatever legislation that they wanted, unless we had 18, you know, members of one party, and which, you know, I would love if it was Democrat, but that's a different story. But unless we had that, I don't see the problem would be that the Treasurer or the Clerk or the Sheriff approaching one of us, you know, because we are a pretty good group in terms of introducing legislation. We'll introduce anything. I mean, you say the word, we introduce it. That's one of my problems with this Legislature, we have too many of them.

But I really think that it would be •• it's almost an impossibility that if the County Comptroller wanted a bill that he deemed important to him and to his department, that he would not find one of us to introduce that bill. So I don't think we have to expand the ability. It's already there.

LEG. KENNEDY:

We, again, we respectfully, I guess, disagree on this one and notwithstanding, I guess, where our partisan nature is, I'm trying to speak to I guess the scheme associated with the statutes and how the state statutory requirements harmonize with what our local county form of government is. I think we all know where things are at on it. I just, you know, suggest that that seems to be a legitimate rationale notwithstanding how any of us may feel, all 18 on a particular given day.

CHAIRMAN D'AMARO:

All right. Legislator Montano, the last word.

LEG. MONTANO:

I just reiterate, if one of our elected officials can't find one member to

introduce the bill, then I doubt he'll find 18 members or 11 members to pass it. This is not •• we're not addressing a problem that exists as far as I know. I don't think that there's been a situation where the Comptroller has requested a particular item to come before the Legislature and we've said no way.

LEG. ROMAINE:

Is it a motion to table?

LEG. MONTANO:

How about table subject to call?

CHAIRMAN D'AMARO:

Legislator Stern.

LEG. STERN:

I don't understand how it would work procedurally. I understand that the proposal would require the Presiding Officer to make the introduction of a resolution upon the request, but who does that work? Does the Sheriff or the Treasurer call up Legislative Counsel to draft the resolution? Do they all have to have their own Legislative Counsel's within the various agencies? I know it's going through the Presiding Officer.

LEG. ROMAINE:

I'd be happy to answer that. In the 16 years that I was County Clerk I was never denied the opportunity by a Presiding Officer ever, until I left and the next County Clerk was denied the opportunity. Actually, the Presiding Officer had introduced the resolution and then at the request of the County Executive withdrew it. And that's what precipitated this resolution, because that courtesy had never, never not been extended.

What would happen is the County Clerk would say •• usually they're pro forma resolutions that deal with appropriating funds for a Capital Program or something of that nature. There's very few resolutions that come from the independent countywide elected officials. And the Presiding Officer would draft it at the request of the County Clerk and introduce it. Whenever the Presiding Officer drafts anything at the request, for example, of the County

Executive, that doesn't indicate the Presiding Officer's support, it simply indicates that they're providing a vehicle to introduce it.

Instead of telling our countywide elected officials who are independent go find yourself one of the 18, it would be far better on those pro forma resolutions to go seek the Presiding Officer to put that issue before us. And that's why I definitely could have sponsored the County Clerk's capital projects but I did not because I did not feel that was the appropriate format. I think the appropriate format is for our independent elected countywide officials to have the opportunity to put what they need before us. We can reject it, we can table it, we can approve it, but I thought the appropriate forum is that forum of allowing the Presiding Officer. I don't want to debate this all day because I know you have a long schedule.

MR. ZWIRN:

Mr. Chairman.

CHAIRMAN D'AMARO:

I just want to give my thought here, you know, why they're independently elected officials to do independent tasks and job functions, but certainly this would elevate them to the level of Legislator.

LEG. ROMAINE:

No more so than it does the County Executive.

CHAIRMAN D'AMARO:

Well, I think it goes against the grain. You have a tripartite system of government, and, you know, to give that authority now to four five other departments within the government is not in keeping with, you know, tested tradition for time and memorial. So, with that said ••

MR. ZWIRN:

Mr. Chairman. I would just add that the County Executive has worked with all the different elected officials. There's bills on here today, including 1388, which the County Clerk came to the County Executive looking for support and funding for the optical disc program which Sharon Cates•Williams will speak about later. There has never been a problem. But there is a protocol

that's gone through, and usually they go through the County Executive's Office first. I think that had more to do with anything than anything in particular.

And as I said, the County Executive enjoys a good working relationship with all the department heads. Just my two cents is that I would •• Mr. Romaine wants this bill to come to a vote, I'd have him make a motion to approve and see what happens.

LEG. MYSTAL:

This is •• you got two cents, let me take one cent. It's going to take some adjustment for other people to realize that there's been a change in government, and I think what we're going through are the growing pain, the early first trimester pregnancy before they deliver the baby to say we're no longer in control, so let's play with it, you know, let's go along with it until it dies.

CHAIRMAN D'AMARO:

Okay. With that said ••

LEG. MONTANO:

Who made the motion?

CHAIRMAN D'AMARO:

Was there a motion made? I'll address the Clerk who made that motion to table. I did, right?

MR. BAKER:

You did.

CHAIRMAN D'AMARO:

All right. I'm going to withdraw my motion to table and I'll offer a motion to approve the resolution.

LEG. MYSTAL:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, Legislator Mystal. All right. Okay. I'll withdraw my motion to approve as well. Legislator Montano.

LEG. MONTANO:

I'm going to make a motion to table subject to call.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

All right. The motion as stated. All in favor? Any opposed?

LEG. KENNEDY:

I'm opposed.

LEG. ROMAINE:

Opposed.

CHAIRMAN D'AMARO:

Legislator Kennedy, Legislator Romaine, opposed to the motion. The motion carries. Tabled subject to call. **(Vote: 4/2/0/0 Opposed: Legislators Kennedy and Romaine).**

All right. IR 1214 is next on the agenda. ***1214 (Adopting Local Law No. 2006, A Charter Law to transfer the Division of Cancer Awareness from the Suffolk County Department of Environment and Energy to the Suffolk County Department of Health Services).*** Motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

Next, ***Memorializing Resolution M.002 (Memorializing resolution in support of a secure, transparent and economical voting system for New York State)***. I will offer a motion to table.

LEG. ROMAINE:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Romaine. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0)**.

Introductory Resolutions

Now to the resolutions, ***1248 (Approving payment to General Code Publishers for administrative code pages)***.

LEG. KENNEDY:

Motion.

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Kennedy to approve. Seconded by Legislator Mystal. Is this Consent Calendar kind of stuff or no? Legislator Kennedy, would that be for consent calendar?

LEG. KENNEDY:

And placed on consent calendar.

CHAIRMAN D'AMARO:

That would be fine. Seconded by Vice Chair Legislator Mystal. All in favor? Any opposed? Abstentions? Motion carries. Consent Calendar. **(Vote: 6/0/0/0)**.

1251 (Authorizing certain technical correction to Adopted Resolution

No. 1037•2005).

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to approve.

LEG. MONTANO:

On the consent.

LEG. MYSTAL:

We can't.

LEG. MONTANO:

We can't, okay.

CHAIRMAN D'AMARO:

I'll second. All in favor? Opposed? Abstentions? Motion carries. That's approved. **(Vote: 6/0/0/0).**

1254 (Authorizing certain technical corrections to Adopted Resolution No. 536•2005). Same motion, same second. All in favor? Any opposed? Abstentions? Motion carries. Resolution is approved. **(Vote: 6/0/0/0).**

1255 (Authorizing certain technical corrections to Adopted Resolution No. 94•2006). Is a motion? Same motion, same second. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1258 (Sale of County•owned real estate pursuant to Local Law 13 •1976 Lydia Wallace (SCTM No. 0200•978.10•01.00•076.000).

LEG. MYSTAL:

As of right.

LEG. MONTANO:

No this is a 13.

CHAIRMAN D'AMARO:

Is there a motion on this?

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to approve. Is there a second?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Stern.

LEG. MONTANO:

On the motion.

CHAIRMAN D'AMARO:

Motion, Legislator Montano.

LEG. MONTANO:

I'm sorry. Could you just give me the size of the plot?

MR. ZWIRN:

It's under 3,000 square feet.

LEG. MONTANO:

Yeah, but what's the dimensions of it?

LEG. MYSTAL:

He doesn't understand square footage.

MS. ZIELENSKI:

It has a 30 foot frontage and an irregular shape, sort of a trapezoid.

LEG. MONTANO:

So it would be 30 by 100?

MS. ZIELENSKI:

No, it's not 30 by 100. It's less because it's not regular in shape.

LEG. MONTANO:

Is there a road there?

CHAIRMAN D'AMARO:

Ms. Zielenski, can you use the microphone, please, so everyone can hear you. Thank you.

MS. ZIELENSKI:

I'm sorry. Is this on?

CHAIRMAN D'AMARO:

Yes.

MS. ZIELENSKI:

It appears to front on Sunrise Highway, however, it does not have access to Sunrise Highway. The road frontage that it has is 30 foot that runs perpendicular to the Sunrise.

MR. ZWIRN:

And it's also been up at auction four separate times with no interest at all.

CHAIRMAN D'AMARO:

All right. Motion is as stated. I'll call the motion. All in favor? Any opposed? Abstentions? Motion carries to approve. **(Vote: 6/0/0/0).**

**1259 (Sale of County-owned real estate pursuant to Local Law 13•
1976 Joyce Smith and Winston Fearon (SCTM No. 0400•211.00
•02.00•036.000)).** I'll offer a motion to approve. Is there a second?

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal. On the motion.

LEG. MONTANO:

Yeah, quick question. Dimensions of the parcel, same questions.

MR. ZWIRN:

It's 40 by 100.

MS. ZIELENSKI:

On the first one. I was in error. I was looking at the wrong map.

LEG. MONTANO:

Okay.

MS. ZIELENSKI:

On 1258 I was looking at the wrong map.

LEG. MONTANO:

That's all right.

LEG. MYSTAL:

It's 1259. We are on 1259.

LEG. MONTANO:

But it did go up for auction four times. That wasn't incorrect, right?

MR. ZWIRN:

That's correct.

MS. ZIELENSKI:

That's correct.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Yes, Legislator Kennedy.

LEG. KENNEDY:

This property is in Huntington?

LEG. MYSTAL:

Are we addressing 1259?

LEG. KENNEDY:

1259, correct.

CHAIRMAN D'AMARO:

Correct.

LEG. KENNEDY:

Does anybody know as far as •• several of the towns have restrictions on substandard lots as far as buildability. I'm just curious as to whether this one was checked as far as an opportunity in Huntington?

MS. ZIELENSKI:

This is an R40 zone. It requires 125 foot front and 43,000 square feet.

LEG. MONTANO:

Which is what, an acre?

LEG. KENNEDY:

Was it researched for any preexisting, though, Pat?

MS. ZIELENSKI:

For any preexisting?

LEG. KENNEDY:

In other words, single and separate, you know, subject to the up zones.

MS. ZIELENSKI:

No, it was not.

LEG. MYSTAL:

What was the appraisal and how much are we getting?

MR. ZWIRN:

It was appraised at 7,500 and the bid was eight thousand.

MS. ZIELENSKI:

There are three adjoining owners and only one adjoining owner bid on it.

LEG. KENNEDY:

So this conveyance is going to restrict it, then, to non•development?

ZIELENSKI:

Yes.

LEG. KENNEDY:

But we don't know whether or not there wasn't research to see whether there would be an opportunity if it was conveyed for affordable housing and it might have been able to be built out.

MS. ZIELENSKI:

Well, it certainly is substandard to the zoning.

LEG. KENNEDY:

Current zoning, yes, but as I said, in other words, if a single and separate was done, as well all know, it might take it back to when it was established which could have conformed. Don't know.

MS. ZIELENSKI:

Mr. Isles.

MR. ISLES:

Yes. It is my understanding that this is a 40 foot by 100 foot lot. It's 4,000 square feet. The planning Department does review these Local Law 13 transfers and one of the things we do look at is the size of the parcel relative to County Health Department standards. County Health Department does permit single and separate lot development, typically pre-1981, so many small parcels are eligible for development under County Health Department standards. However, the County Health Department, in working with them, generally tries to set a floor at 6,000 square feet so we do apply that in terms of trying to support what they're doing in terms of protection of groundwater. The only exception to that is the Town of Brookhaven, which has a floor of 7,500 feet that they've requested. So that's on the County Health Department side.

On the town zoning side anybody can ask for a variance on anything. In terms of whether it's going to be granted is obviously up to the town and the Zoning Board of Appeals.

The •• so the secondary purpose of our recommendation, which obviously it's only a recommendation and you make the decision on it, first then is supporting the County Health Department's protection of groundwater, and then secondly is having been on the town side for 20 years, saving the town from the situation of applications coming in on severely under sized lots in many cases, and so certainly a 40 by 100 foot lot would be very out of character with the nature and the character of the area.

So that just in terms of could this 40 foot by 100 foot lot be developed? Anything is possible as Mr. Sachs spoke on before in terms of possibilities. In terms of good planning or the role of the County and the opportunity to perhaps avoid protracted application of the Board of Appeals, perhaps avoid development in this parcel, and then to also provide where there's an opportunity to adjoin with the adjacent parcels. So perhaps where you have nonconforming situation you move it more towards the direction of conformity.

That was a long answer, Mr. Kennedy, but I just wanted to give you some background.

LEG. KENNEDY:

I appreciate it because I guess what you've done is you've brought out, I guess, a couple of elements certainly that I was never aware of, is that from a policy perspective we are electing not to go ahead and seek or to offer certain parcels for the purposes of affordable housing. I note that just six or seven lots down from this there's a 60 footer that's owned by the County of Suffolk, and immediately adjacent to that we have another 60 footer.

So I guess what I'm suggesting is, you know, we all hear constantly or are seeking methods to go ahead and address those affordable housing issues, and there's many, many not•for•profits out there who can construct safe, clean, reasonable housing, you know, and we all have neighborhoods where 40 feet, yeah 40 foot frontage certainly is narrow, but, you know, there is housing that can go ahead and go up on that that is safe, affordable and, you know, beats an emergency shelter.

CHAIRMAN D'AMARO:

I just want to add to that, just drawing a little bit more on my background and experience having Chaired the Babylon Zoning Board for ten years. You know, I don't see a 40 by 100 lot as a resolution of the workforce housing crisis on Long Island. In fact, in my experience, I think what you'll find is should this lot be used in that manner, you will have tremendous community opposition to that, and I think rightfully so. I mean, there is a right way and a wrong way to do everything.

The Town of Babylon, as a matter of policy, stopped developing 40 by 100 lots at least 12 years ago because the detrimental effect you have on a community by a 40 by 100 lot when they start to proliferate is extreme, and it is not a way to address that problem in my opinion.

LEG. MYSTAL:

Just one question. You see, I have another approach •• I am not trying to save this lot for affordable homes because I know coming from the Town of Babylon that it will never happen. But that's not my approach. My approach is this. I going to ask a simple question and then I am going to

continue what I have to say. How big is the lot that the person who's buying this lot, how big is that lot? Ms. Zielenski has that. It was in the map.

MS. ZIELENSKI:

It's 60 by 100.

LEG. MYSTAL:

Okay. Now, my problem is this, and I know we keep saying that we have a covenant and then last meeting we had we saw how the was covenant was destroyed, because it was for something else. What I am objecting to a lot of times is this, Mr. Aisles. Somebody comes in and has a piece of land that's 100 by 120, and next to that person there's a piece of land owned by the County that's substandard, 40 by 100 or 30 by 100. We sell that piece of land to the person with the covenant that they cannot build on it.

Ten years from now, 20 years from now, this person comes in, goes to the town and says well, I want to divide my lot because now I can divide those two lots, because the piece that I got •• I know you're saying impossible, but we saw it the other day when the Mayor of Greenport came and here sold us a piece of land that we gave him a long time and it was \$80,000 for something that we paid \$2,000 for 20 years ago. And that's what I'm looking at.

You know, we are increasing the value of that person's property by a tremendous amount of money, not right now, not today, not today, but 20 years from now if that person comes in and then, you know, we are in politics and we are in government, they can get the zoning by dividing that lot into two lots.

MR. ZWIRN:

If I might respond. One was a municipality, Greenport, so I don't see that as being apples to apples. But here we have, and what my understanding that this policy began because you have a lot of these lots that are abandoned and have become dumping grounds. So that we as a County is trying to find a way to try to get these back on the tax rolls and also get them cleaned up. We do not have the personnel to go around and pick up the garbage on all these abandoned lots. Here you had three adjoining

neighbors. Only one saw fit to bid on it. That person now is going to have to maintain the property, presumably, and to the betterment of himself or herself and the entire community.

Now, when you have these restrictions, even the Village of Greenport had to come back to the Legislature for approval. I mean, it was a decision, a policy decision made by the County Executive and the Legislature to extinguish the reverter clause on behalf of the municipality uses in the Village of Greenport. So you do retain control.

And I think the purpose of these is not to try to enrich a neighbor, but it's to try to get these properties back in a productive light and also improve them in the community. And what happens is if you open them up just to auction, you're going to have speculators come in into a community which might not be an affluent community, which is often the case, and now they start bidding against people who are the adjacent neighbors •• so they have this property and they can sit with it forever.

CHAIRMAN D'AMARO:

Mr. Zwirn, you know, you're dead on accurate on that comment, because what I've heard time and time again in my experience is when a spot builder or a speculator type of building is proposed, it's for a profit motive. The community or the block comes into these hearings on the town level and says why don't you offer it to an adjoining owner and it's very difficult to make that happen because unless the builder then at that point who owns the property or may be a contract vendee is going to get their profit out, there's no incentive.

Here the County of Suffolk has the leverage. We own the property. We have the opportunity to preserve or partially preserve the character of some of our neighborhoods, put these properties on the tax rolls. Let's clean them up. The owners certainly will have a vested interest in doing that, and even after the sale we maintain control because should, as Legislator Mystal said, someone later on propose to develop a larger parcel that maybe it gets connected to, they have to come back here. So the County of Suffolk is maintaining a level of control which is actually very rare when it comes to zoning powers and land use provisions within a town.

So, again, this •• the policy decision here was to take it away from speculation, take it away from a builder coming into a local neighborhood and saying you know what, I'm going to put up a house on a substandard parcel, pull out my profit and I'm gone. Then these properties often will turn into a rental situation or other situations or maybe they don't. That's not the point. The point is the communities themselves do not want this type of development and we have the one or one of the few chances we have to actually have some say in that.

LEG. MYSTAL:

I'm not disagreeing.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

With all due respect, I couldn't disagree more with the Chairman, but everybody knows that I have a bill on the table to have a moratorium placed on the sale of 13's. We don't have the support right now to pass it, so when we get to that, I will move to table it. And I also agree with the Chairman and with some of my colleagues that this lot is a little undersized. I'm not advocating that we put a house on a, what is it, 40 by 100 lot. And I don't have a problem with that. But there are other parcels that are bigger.

Mr. Zwirn, with respect to the abandonment of these properties, a lot of these properties were abandoned when they were worth anything. Today land is a valuable commodity in Suffolk County and we need to, you know, we need to move forward with affordable housing and if we need to relax some rules from some of the towns to accommodate some of the people that need to live and work on Long Island, we should look at that not. I'm not saying that this is the property.

I have a couple of questions, though, on this property that applies to others. And one thing is that we are auctioning this property for \$8,000. Now, I don't know what the adjoining property is worth per square foot, but I would assume that if we did the math that this property is being undersold in

comparison to what that lot would go next door if it were •• you know, if it met the zoning and it were buildable. So in reality we are adding a lot of money to the adjoining property owner which the County is not getting. Question. Was this property ever offered for auction?

MS. ZIELENSKI:

This property has not •• we haven't owned this property long enough for it to be up for auction.

LEG. MONTANO:

Do you know what the taxes are on this property and how long the County has owned this property. If you know. If you don't know, we'll move on.

MS. ZIELENSKI:

We took the property in March of 2003.

LEG. MONTANO:

So we've had it about thirteen years.

LEG. MYSTAL:

No, 2003.

LEG. MONTANO:

Oh, 2003. We've had it three years. I can't imagine it's a lot. When I say a lot, I mean a lot of money. If you know, Pat. It's not a crucial thing that we need to deal with right now because I do want to move on.

LEG. MYSTAL:

Move on.

LEG. MONTANO:

All right. Let me ask another question. This is to Mr. Isles. I have a couple of situations in my district where a •• one in particular, a restaurant wants to expand their capacity. We would like to allow them to expand the capacity, but they have a problem with the density. They need, according to the Town of Islip, they need to purchase a piece of property to sanitize that property, which essentially means that they will leave the property in its

natural state for some sort of drainage to offset the density problem that they have on the location where they would like to expand the commercial establishment.

What, theoretically, if this were in my town, would this be a property that a restaurant owner could say I'm going to buy this property at auction from the County with the purpose of using this as part of the land that I need to set aside for purposes of sanitizing the water allowing me to increase my density in the restaurant and my customers, adding to the commercial value, and leaving the property forever in its natural state, undevelopable. Is that something that we can do with this? Yes or no.

MR. ISLES:

Conceptually I understand what you're saying. The decision ultimately would be made by the Board of Review of the Health Department. They would then have to approve the additional land to then allow development on the restaurant parcel.

LEG. MONTANO:

But conceivably •• go ahead.

MR. ISLES:

Now, the issue with them is going to be well, what happens to this parcel in the future. And as you may know or may recall, there are cases where resolutions come to the County Legislature to accept the donation of land as part of a TDR and then those are cases whereby it's determined that the County would accept that donation because it's adjacent to a County park or an area where the County is protecting the property.

LEG. MONTANO:

But this is not a TDR. TDR's are different as I understand.

MR. ISLES:

This is actually •• is a TD, your example, in not a residential way, but they're taking credits off of that parcel for sanitary flow purposes and putting it on the restaurant parcel. So at least we would consider it to be a TDR on that sense.

So the question then becomes is what's going to happen to that parcel. Your concept is fine, but I think what the Board of Review, and quite frankly, the Planning Department, would be concerned with is where does that parcel end up going. What the Board of Review tries to do is to have some permanent disposition on it, meaning that it goes to a town, a county, something like that, so it doesn't become a situation where there is •• the property owner stops paying taxes, the County gets it back as a default of taxes. There has to be someplace for it to end up.

So in your example I would say it would be appropriate if it is adjacent to a County park or County facility or County drainage basin or something like that. So in that sense, yes, it could work. In other cases where it is just going to be hanging in the middle of a neighborhood, as Mr. Zwirn expressed, still potentially becoming a dumping lot and so forth, potential a tax default, that would be problematic we would think.

LEG. MONTANO:

Well, if •• you know, I want to move on and we could probably take this up at another time, but from what I understand, these sanitized properties don't need to be adjacent to a parcel. They can stand alone. We're not concerned if, in fact, they're sanitized. My understanding is then we're not looking to default these on taxes because if you default it on the taxes, then the commercial owner winds up losing the privilege for density. But these are things we can discuss in the overall context of the resolution on the moratorium. I want to thank you for the information.

LEG. KENNEDY:

Mr. Chair, I just want to ••

CHAIRMAN D'AMARO:

Yeah.

LEG. KENNEDY:

•• make it real brief. I appreciate the discussion, I appreciate where it's gone. The reasons I raised these issues certainly have nothing to do with wanting to enhance spot developers, absolutely, positively not. I was

intrigued to hear that we have a policy adopted that says that we will not consider lots under 6,000 square feet as potential affordable housing sites. I don't negatively want to impact neighborhoods either.

However, the reality is that in many of our neighborhoods, when you look at the single and separate process, there may be homes that are monstrosities that are put up, not necessarily affordable housing, and so I guess what I'm asking you is, is this lot then was never presented to Ms. Zukerman I believe it is, our affordable housing Director, because it didn't rise to the threshold.

So going forward, we should expect that unless we have something that exceeds that 6,000 square foot threshold, it will not be considered. And the only reason I'd advocate is if it was contemplated for a not•for•profit housing entity, certainly not any kind of proprietary developer.

MR. ISLES:

We recommend policy. Our policy is that 6,000 is the floor for single and separate lot development based on consultation with the County Health Department, based on my experience in working with the towns in the County of Suffolk. Obviously we only recommend •• and let me just point out finally that there are many, many parcels that are reviewed and referred to the Department of Affordable Housing or the Division of Affordable Housing. So we're looking at the exception or lower end in terms of lot sizes, but it's not to the exception of many of the parcels that are considered for it. I respect this body's right to say we think 6,000 is too restrictive. That's your call, but we feel on a planning and environment basis it is sound.

LEG. KENNEDY:

I think we need to move ahead, but I think that obviously there's something here where, at least in my case I wasn't even aware that the policy was in place. Thank you.

CHAIRMAN D'AMARO:

Just two very quick points. One, I believe it's a rare day where you will find single and separate dispensation for a 4,000 square foot lot on Long Island any more. I think you are lucky if you find one now for 6,000, especially on the western part of Suffolk County. So even if the search was not,

Legislator Kennedy, I highly doubt this would get that type of dispensation under town code.

The other quick point I wanted to make is that I don't necessarily disagree with what Legislator Montano is saying. All I'm saying is that what we have here is a case by case review as a Legislature of whether or not parcels should go forward on one basis or another affordable housing, whatever it may be, and I think that's a good thing. All right. I'm not saying that we shouldn't look at that carefully and I'm not saying that you will never find a parcel through this process that may not be conducive to affordable housing or workforce housing, you may. But I don't think this is the one, that's my point. All right. And on that, did we have a motion?

LEG. MYSTAL:

Yeah, we have a motion. One appeal my colleagues. My next meeting is at 12:30, so unless your question are extremely important and is going to change the County policy, shut up.

CHAIRMAN D'AMARO:

And that's coming from a Vice Chair. All right. Clerk, there was a motion?

MR. BAKER:

You made the motion.

CHAIRMAN D'AMARO:

All right. Call the question. All in favor? Any opposed? Abstentions? Motion is approved. **(Vote: 6/0/0/0).**

Okay. This is now, what are we on? ***1260 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Domingo Garcia (SCTM No. 0500•227.00•01.00•027.000).***

LEG. MONTANO:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice Chair Mystal. In favor? Any opposed? Abstentions?
Motion carries. IR is approved. **(Vote: 6/0/0/0).**

1261 (Authorizing the sale, pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act Edward Molton (SCTM No. 0200•977.00•02.00•021.000).

LEG. MYSTAL:

Same motion.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions?
Motion carries. **(Vote: 6/0/0/0).**

LEG. MYSTAL:

Can we put these on the consent calendar?

CHAIRMAN D'AMARO:

We can. Going all the way back to what, George?

LEG. MYSTAL:

1260, 1261, consent calendar.

CHAIRMAN D'AMARO:

1260, 1261 on the consent calendar. Fine.

1262 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Edward Molton (SCTM No. 0200•977.00•02.00•017.000). Same motion, same second, for the consent calendar. All in favor? Any opposed?

Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1263 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act John M. Cosgrove and Julia G. Cosgrove (SCTM No. 0200•559.00•03.00•011.001).

LEG. MYSTAL:

Same motion.

CHAIRMAN D'AMARO:

Same motion, same second, for the consent calendar. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1264 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Margaret Vaughan (SCTM No. 0200•182.00•03.00•031.001). Same motion, same second. All in favor? Any opposed? Abstentions? Motion carries, consent calendar. **(Vote: 6/0/0/0).**

1265 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Salvatore Mazza and Louis Hapst, as tenants in common (SCTM No. 0103•009.00•02.00•033.000). Same motion, same second. All in favor? Any opposed? Abstentions? Motion carries, consent calendar. **(Vote: 6/0/0/0).**

1266 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Zion Gospel Church (SCTM No. 0100•202.00•02.00•038.000).

LEG. MYSTAL:

Same motion.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions? Motion carries, consent calendar. **(Vote: 6/0/0/0).**

1267 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Zion Gospel Church (SCTM No. 0100•202.00•02.00•040.000). Same motion, same second. All in favor? Any opposed? Abstention? Motion carries. (Vote: 6/0/0/0).

1268 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Sotiris Nicolaou (SCTM No. 0100•057.00•02.00•054.000).

LEG. MYSTAL:

Same motion.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1269 (Sale of County•owned real estate pursuant to Local Law 13 •1976 Hal Sieger (SCTM No. 0100•079.00•01.00•055.000). Is there a motion?

LEG. MYSTAL:

Motion. Same motion.

CHAIRMAN D'AMARO:

Same motion, same second.

LEG. MONTANO:

What is the size of plot?

CHAIRMAN D'AMARO:

It's a 13.

MR. ZWIRN:

Four adjoining owners, two bids.

CHAIRMAN D'AMARO:

Consent calendar. All in favor? Any opposed? Abstentions? Motion carries, consent calendar. **(Vote: 6/0/0/0).**

1270 (Sale of County•owned real estate pursuant to Local Law 13 •1976 Salvatore A. Sangeniti and Mary Margaret Sangeniti, his wife (SCTM No. 0200•442.00•03.00•011.003). Twelve by 100. Same motion, same second for the consent calendar. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1271 (Sale of County•owned real estate pursuant to Local Law 13 •1976 AB Equities, Inc. (SCTM No. 0100•096.00•03.00•045.000).

MR. ZWIRN:

Twenty•five by 100.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any Opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1272 (Sale of County•owned real estate pursuant to Local Law 13 •1976 Michael B. Broidy (SCTM No. 0900•230.00•01.00•037.000). It is another 13.

LEG. MYSTAL:

Size?

MR. ZWIRN:

It is 2,500 square feet, but I don't have the dimension.

LEG. MONTANO:

It's 25 by 100.

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Montano. Same motion, same second. All in favor? Any opposed? Motion carries. **(Vote: 6/0/0/0).**

***1273 (Sale of County-owned real estate pursuant to Local Law 13
•1976 Michael B. Broidy (SCTM No. 0900•230.00•01.00•038.000).***

MR. ZWIRN:

Roughly 26 by 100.

CHAIRMAN D'AMARO:

Okay. Same motion, same second. All in favor?

LEG. MYSTAL:

If you put them together you got 51.

MR. ZWIRN:

But they are not in the same ••

LEG. MYSTAL:

Are they next to each other?

MR. COHEN:

No.

MR. ZWIRN:

The tax map says they are next to each other.

MS. ZIELENSKI:

Yes, 37 and 38.

LEG. MYSTAL:

They are next to each other. If you put •• we'll do them together, you got 51. That's buildable, isn't it?

LEG. MONTANO:

Yeah, I'd live on there.

LEG. MYSTAL:

You'd live anywhere.

LEG. KENNEDY:

Will the Chair suffer one other question here in deference? I'll make it real fast. These ones out in Southampton, as a matter of fact, acquisition of the transfer credits, the TDR's that come off of some of these smaller lots are being aggregated so that you can, in fact, go ahead and make a substandard lot developable. You know this, Ben. When you are within a particular school district, if you aggregate five credits worth of TDR's, you can get an acre buildable. Question simple. What happens to the transfer credits on these? Are there none there?

MS. ZIELENSKI:

They are not there unless it's buildable in its own right and the Health Department approves it.

LEG. KENNEDY:

Okay. Fine.

MS. ZIELENSKI:

And if •• I think you have a map in your backup on this particular one. Those two lots, though they're are subsequent numbers, are not really contiguous. They are both a very awkward shape and they do not butt one another to provide a 51 foot road frontage.

CHAIRMAN D'AMARO:

All right. That was the same motion, same second. All in favor? Any opposed? Abstentions? And the motion carries. **(Vote: 6/0/0/0).**

1274 (Authorizing certain technical correction to Adopted Resolution No. 129•2006).

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Same motion, same second, to place on the consent calendar. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

Next is ***1276 (Adopting Local Law No. 2006, A Charter Law to enhance public hearing process)***. This requires a public hearing. I'll offer a motion to table.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice Chair Mystal. All in favor? Any opposed? Abstentions? Motion carries to table. **(Vote: 6/0/0/0)**.

1289 (Authorizing the reconveyance of County•owned real estate pursuant to Section 215, New York State County Law to Francisco Cruz (SCTM No. 0500•229.00•02.00•078.002).

LEG. MONTANO:

Motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Motion as stated. Seconded by Legislator Mystal. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0)**.

1291 (Sale of Count•owned real estate pursuant to Local Law 13 •1976 Charles Bunton and Betty Tripp Bunton, his wife (SCTM No. 0800•078.00•03.00•005.002).

MR. ZWIRN:

It is roughly 21 by 100.

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions?
Motion carries for the consent calendar. **(Vote: 6/0/0/0).**

***1292 (Sale of County•owned real estate pursuant to Local Law 13
•1976 Henry Max Kuhner and Mildred A. Kuhner, his wife (SCTM No.
0500•343.00•02.00•062.002).***

LEG. MYSTAL:

Motion.

MR. ZWIRN:

It's 12.5 feet times •• by 100.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions?
Motion carries for the consent calendar. **(Vote: 6/0/0/0).**

***1293 (Sales of County•owned real estate pursuant to Local Law 13
•1976 James P. DeLong and Mary DeLong, his wife (SCTM No. 0400
•078.00•02.00•010.000).***

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions?
Motion carries. **(Vote: 6/0/0/0).**

***1294 (Sale of County•owned real estate pursuant to Local Law 13
•1976 Richard J. Drnek II and Laura L. Drnek, his wife (SCTM No.
0200•979.10•040.00•008.000).***

MR. ZWIRN:

This is 40 by 100, but again, this had gone to bid on two occasions with ••

LEG. ROMAINE:

Mr. Chairman.

MR. ZWIRN:

There was a bid at one time but the property was retaken back in '99 after the person bid on it, took it, and then we wouldn't let it go.

CHAIRMAN D'AMARO:

Legislator Romaine.

LEG. ROMAINE:

I just wish to point out that the area map, the Hagstrom map, is incorrect. It's reflecting this being in Mastic. This property is in Mastic Beach, so your Hagstrom map is incorrect.

MR. ZWIRN:

On 1294?

LEG. ROMAINE:

Yep.

CHAIRMAN D'AMARO:

Is the property properly identified by tax map?

LEG. ROMAINE:

It is. I just wish to point out that the adjoining Hagstrom map is incorrect;

LEG. MYSTAL:

Does that preclude you from voting on it?

LEG. ROMAINE:

No.

CHAIRMAN D'AMARO:

No, not at all. It's just some of the backup.

LEG. MYSTAL:

Move on.

CHAIRMAN D'AMARO:

All right. This is 1294. Same motion and second. All in favor? Any opposed? Abstentions?

LEG. MYSTAL:

Consent.

CHAIRMAN D'AMARO:

Motion is approved or carries for the consent calendar. **(Vote: 6/0/0/0).**

***1295 (Sale of County•owned real estate pursuant to Local Law 13
•1976 Robert Carpenter, Jr. (SCTM No. 0200•786.00•02.00
•014.000).***

MR. ZWIRN:

This is 40 by 100. There were three adjoining owners. It was one bid and the bid was •• the appraised value was \$18,000. The winning bid was 18,500.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

***1297 (Sale of County•owned real estate pursuant to Local Law 13
•1976 Charles R. Denninger (SCTM No. 0200•853.00•05.00
•028.000).***

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Mr. Zwirn.

MR. ZWIRN:

This one is 60 by 100.

MS. ZIELENSKI:

Are we on 1297?

MR. ZWIRN:

Right, 1297. Sixty by 100 but it had gone to bid one, two, three •• at least four occasions with no bid.

LEG. MONTANO:

Why? When was the last one?

MS. ZIELENSKI:

It is a very difficult lot to get to. It is on a paper street.

CHAIRMAN D'AMARO:

Yeah. Is Pine Place a paper street?

MS. ZIELENSKI:

And we can only provide a quick claim deed.

MR. ZWIRN:

The last time it was up for bid is '95. The appraised value at that point was \$500 and there was no bid.

LEG. MONTANO:

Nobody would buy.

LEG. MYSTAL:

Sixty by 100? I'd buy it.

CHAIRMAN D'AMARO:

Well, the problem is to develop this property you'd have to open Pine Place which kind of takes it out of play. Otherwise, you would have to put it on the open •• oh no, it backs on to the railroad. Is that correct?

LEG. ROMAINE:

That's correct.

CHAIRMAN D'AMARO:

Yeah, so I don't see. Legislator Romaine.

LEG. ROMAINE:

Pine Place is a dirt road and it is accessible and it is •• does have a right of way, and that's not going to be owned by anyone but the Town of Brookhaven, so that is highly possibly ••

MS. ZIELENSKI:

But they have to do the cost of the development of the road.

LEG. ROMAINE:

Not necessarily. I have seen a lot of, particularly in this neighborhood off Patchogue, which you know about, off Patchogue where they've just put a driveway in. Just put a long driveway and they get the permission from the town. This is a totally accessible lot for affordable housing and we should not fail to get that opportunity to make this lot affordable to •• I know Patchogue Avenue, and I know that you can approach the town and they will allow a driveway. And they will permit that lot to be accessed.

LEG. MYSTAL:

How much are we getting for this lot?

MR. ZWIRN:

\$3,850. The appraised value is 3,600.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

Yeah. Ben •• and I know the hour is late. But I feel that this debate is one reason why we should at least put a halt. We have given away approximately 15 parcels. Probably most of them would be undevelopable. But you know what? If we can squeeze out five or six or ten or 20 over the course of a year, I think we are doing, you know, make a small dent, you know, a little pebble in whatever. But I think we ought to look at that. And having said that, I just want to move on because the hour is late. But I

think we need a debate on this issue.

LEG. MYSTAL:

This one I want to table. I am sorry, Ben, because 60 by 100 ••

LEG. ROMAINE:

Second.

LEG. MYSTAL:

•• on a paper street ••

MR. ZWIRN:

Is this your district, Legislator Romaine?

LEG. ROMAINE:

No. It's my old district.

LEG. MONTANO:

Whose district is it?

LEG. ROMAINE:

It's Kate Browning's.

LEG. MYSTAL:

Can we table this and look at it a little bit? I know it's difficult.

CHAIRMAN D'AMARO:

This is a 60 by 100? Is that correct?

LEG. MYSTAL:

Yes, 60 by 100.

MS. ZIELENSKI:

We've owned this property since 1987. We've paid the taxes, the clean•up and the liability on this on this property since 1987.

LEG. MYSTAL:

Do you want to let it go?

LEG. MONTANO:

When I'm going to recommend, it's my bill that's on the table. What I would, you know •• let's go through these 13's but at some point I would ask that we take a global look at this. What's the big deal. If we've owned it since '85 and we hold off on sales for six months, I don't know that the County is going to be damaged. It may come after six months that we decide that I made a wrong decision, that we should move on these, and I would be happy to eat my words at that point.

But, you know, I just think for now let's let them go through. There are not, you know, per se buildable. There has been a process and I am willing to, even though I have my bill in, I'm willing to vote on these.

CHAIRMAN D'AMARO:

I'd like to just comment on that also. I'd prefer just the opposite. I would prefer to remain with our case by case review and if this is a parcel that is now come up in the procedure that we feel we may want to take a closer look at, so be it. I don't think, though, that the fact that we found one out of three pages justifies a six month moratorium on this entire process.

So, as opposed to my colleague, Legislator Montano, I would be more in favor of tabling. We've had it since 1987. Three more weeks won't make a difference. If we can take a closer look, so be it, but I don't think it justified a moratorium in any way.

LEG. KENNEDY:

Again, Mr. Chair, I mean, I agree with you and I think that we are all struggling with this. I would agree to the tabling. As a matter of fact, I would very much support it, but I am going to ask in addition that Division of Real Estate do some kind of solicitation or request here regarding the affordable housing aspect of this lot so that we don't have to go through this same dialogue on this in another month when we come back to visit this one.

MR. ZWIRN:

We have talked with Marian Zucker and brought her in, so she is going to be able to look at all these parcels. You can understand most of these parcels are so substandard that we wouldn't •• like your town has been ••

LEG. MYSTAL:

Yeah. See, but this one is not.

LEG. KENNEDY:

Ben, agencies are dying for land.

MR. ZWIRN:

Do you think the Town of Smithtown is going to take substandard parcels for affordable housing?

LEG. KENNEDY:

We build on 40, I'll tell you that much, and we put McMansion's on them.

MR. ZWIRN:

So you're suggesting that •• we'll go back to the town and look at •• at your request we'll go back and specially look at the Town of Smithtown to see if we can find some lots that may be substandard that will have affordable housing.

LEG. KENNEDY:

Look, I am not going to get into the dialogue in difference to the Vice Chair and the Chair. I think there is serious policy issues, fundamental policy issues that we all are struggling with at this point. But this one in particular? Absolutely, positively. On a 60 by 100 lot you can construct reasonable, quality, decent, safe housing that's affordable, that puts people into it and gets them out of, you know, rentals where they're choking. And we put our money where our mouth is.

MS. ZIELENKSI:

We could always provide the number of lots that the towns have been holding for years that they haven't gotten around to developing yet where the Legislature has to continually extend the deed restrictions on the affordable housing parcels because they haven't been developed.

LEG. KENNEDY:

Pat, the subtle difference is we're entitled here. In the towns, they are. We can persuade them. Here we can act. We don't have the restrictions here. We own it, it is our choice as far as we, from a policy perspective, choose to move it. My only request is, is that we either get something that shows some correspondence and/or if it is more appropriate for Ms. Zuckerman, somebody speaks to us and says this lot was offered and everybody rejected it. You do that, you got me convinced, but I doubt that is going to happen.

LEG. MYSTAL:

This was a bid, right?

MR. ZWIRN:

Which one? Yes, 1297 it was bid. But the last time was back in '95, November of '95. The appraised value was \$500 at that time and there was no bid.

LEG. MYSTAL:

And you just rebid it this year, just now.

MR. ZWIRN:

We went to adjoining owners.

MS. ZIELENSKI:

It's a different program.

LEG. MYSTAL:

Okay. Mr. Denninger is an adjoining owner?

LEG. MONTANO:

Well, why did it take, what, 11 years? You bid it last time in '95.

MS. ZIELENSKI:

It was on auction in '95.

LEG. MONTANO:

And what happened between '95 and today? It's 11 years.

LEG. MYSTAL:

It sat there.

LEG. MONTANO:

It just sat there?

MR. ZWIRN:

You'd have to ask somebody in the other administration.

LEG. MONTANO:

It's a long time between '95 and 2006.

CHAIRMAN D'AMARO:

Right, and times change and you may have more of a need or a recognition today of the workforce housing issue. And I completely agree with Legislator Kennedy that, you know, again on a case by case basis going forward if we find a lot here and there that can help in some way we need to take a good, hard look at that. I don't think there is anything wrong with that. I suspect what you'll find on this particular one is that this particular lot is that Pine Place, although it may be a dirt road presently, anyone at an auction looking at this lot would probably just see it as cost prohibitive to develop it, but in affordable housing or workforce housing program it may have some appeal.

LEG. KENNEDY:

Abandoned street.

CHAIRMAN D'AMARO:

And I tend to agree.

LEG. KENNEDY:

Half street abandonment. There's a way.

CHAIRMAN D'AMARO:

Sure.

LEG. MONTANO:

May I say something quickly?

LEG. MYSTAL:

No.

LEG. MONTANO:

Maybe what we can do •• thank you, Elie. Maybe what we can do is, I'd be willing to amend the bill I have on the table to put a halt to properties going under 13 that maybe are more than 6,000 square feet so simply can look •• in other words, to segregate the larger parcels from the smaller ones. We'll continue to move the smaller ones because we know that we're not going to be able to develop those, and look at these bigger parcels and say maybe we can come up with something. So, you know, to end that, let's talk about that.

CHAIRMAN D'AMARO:

Well, you know, that's something we can certainly talk about when we get to that resolution and the debate on that resolution. I would just add to that, again, you know, even if it is 60 by 100 it may be configured in such a way that it's not conducive to developing and I don't think the moratorium is the way. I think the case by case review that we're doing here is the way to go.

But with that said, is there a motion?

LEG. KENNEDY:

I think we have a motion to table, Mr. Chair.

CHAIRMAN D'AMARO:

Right.

LEG. MYSTAL:

Motion to table, yes.

CHAIRMAN D'AMARO:

Motion to table. Is there a second?

LEG. MONTANO:

Yes, there was.

CHAIRMAN D'AMARO:

There was a second. All right. Thank you. All in favor of the motion to table? Any opposed? Abstentions? Motion carries. That resolution is tabled. **(Vote: 6/0/0/0).**

Next is ***1298(Sale of County•owned real estate pursuant to Local Law 13• 1976 David L. Morea and Elizabeth C. Morea, his wife (SCTM NO. 0200•881.00•05.00•015.000).***

LEG. MYSTAL:

Size?

MR. ZWIRN:

40 by 100. Again, this had gone to bid on four •• on at least four occasions with no bids at all.

LEG. MONTANO:

When was last one?

MR. ZWIRN:

'95. There were three adjoining owners and there was only one bid and the bid came in pretty much at the appraised value.

CHAIRMAN D'AMARO:

The lot is 40 by 100?

MR. ZWIRN:

Forty by 100.

LEG. MYSTAL:

And the appraised value is what?

MR. ZWIRN:

It was 8,000 and the winning bid was 8,100.

CHAIRMAN D'AMARO:

All right. Is there a motion? Well, I'll offer a motion to approve and place on the consent calendar. Is there a second?

LEG. MYSTAL:

I second.

CHAIRMAN D'AMARO:

Seconded by Vice Chair Mystal. All in favor? On the motion.

LEG. MONTANO:

Is there an adjoining lot on this?

MS. ZIELENSKI:

Pardon me?

LEG. MONTANO:

The adjoining lot, it's developed?

MS. ZIELENSKI:

Yeah. The lots that are on either side of this, on one side is a hundred foot lot and on the other side is an 80 foot lot.

LEG. MONTANO:

They both have homes on it.

MS. ZIELENSKI:

I can't tell from this map, but I would assume that it is.

LEG. MONTANO:

Okay. In other words, we are not •• I just want to be clear. We're not giving •• we're not selling land to an adjacent landowner who doesn't have a house on it.

MS. ZIELENSKI:

Or if •• even if it didn't have a house, the lot next door is a fully developable lot that's 80 by 100 or more.

LEG. MONTANO:

Right. But if there's no house on •• if it's fully developable at 80 feet and you're adding 40 to it, it's fully developable still, but now its enhanced value way beyond the 8,000 that we're getting for it.

MS. ZIELENSKI:

Well, most of the lots on this particular street with only this exception are 100 ••

LEG. MONTANO:

Sure, because you have more use of the land, you have a bigger plot and you're not going to build •• I'm sorry, Pat. But once you put a one family house on it, you've enhanced the value much more. If you have an adjoining landowner who doesn't have a house on it, now he's got much more property, he can build a bigger house and he can sell it for a lot more.

CHAIRMAN D'AMARO:

No, he can't because he would need •• because this portion of the property could not be developed by covenant, you would still be restricted by offset requirements under local zoning.

LEG. MONTANO:

He still has a much bigger backyard. But I won't debate it. We'll get into this later.

MS. ZIELENSKI:

The winning bid •• the Morea's address, bidding address is 61 Van Buren Street, Mastic, and that's the lot to the right.

LEG. MONTANO:

Adjacent. Okay.

MS. ZIELENSKI:

Lot to the right, yes, that faces Van Buran Street.

LEG. KENNEDY:

Mr. Chair, in an effort to go ahead and keep moving I will ask no other question than perhaps next time around, specifically I'd like to know if a party such as this can use that added land, then, to consider adding to their own dwelling or getting the benefit of some enhanced set backs and relief such as that.

MR. ZWIRN:

I don't know the answer to that question, but if they could, how would that change the process that we have now?

LEG. MYSTAL:

It enhances the value of the property to a lot more than we are selling.

MR. ZWIRN:

But they don't have approvals to do any •• I don't understand.

CHAIRMAN D'AMARO:

Right. But, Mr. Zwirn, the issue •• you know, in my mind, you know, there's nothing wrong with enhancing the value of someone's home.

MS. ZIELENKSI:

It's the only reason they want to buy it.

CHAIRMAN D'AMARO:

I think the worst case scenario is taking a 40 or 60 by 100 property in the middle of a neighborhood where the parcels are three and four times that size and spot building them. So why are we so adverse to enhancing the value of someone's home? I don't understand that.

LEG. KENNEDY:

It's not an issue of being adverse at all, Mr. Chair. I think what it is, is we're probably also struggling with this traditional appraisal process. Raw land is raw land. We all know that. However, if by adding 40 feet you now allow

an adjoining property owner to substantially double the size of the dwelling, and at the end of the day now take that combined parcel and increase the value by 100 to 150,000. Seems to me somebody's capitalized tremendously on what was a nominal price to acquire.

CHAIRMAN D'AMARO:

Right. And what'll happen is if you try to tap into that enhanced value, you'll defeat the purpose of this program. The adjoining owners will not buy the property because they're not going to shell out the money to do it for vacant land, and you are going to be right back to auction and speculation.

MR. ZWIRN:

You'll have an eyesore. The whole purpose of this program was to clean•up properties that were substandard, that nobody had any use for, to get them back on the tax rolls. So in your scenario the County would continue to pay taxes on the property, the property would still be a dumping ground in the community, and you are not going to get any more money for it.

LEG. KENNEDY:

My scenario, all I want to do is, is just address what the potential enhanced value might be and see if there's a way to capitalize on it.

MR. ZWIRN:

Wouldn't you want the appraisals to go through the best and highest value as opposed to what the actual value is at the current time?

LEG. KENNEDY:

Again, I said I wouldn't debate this here in deference to the Vice Chair. We have another meeting to go to, but we can discuss it later.

CHAIRMAN D'AMARO:

Okay. If there's a way to tap into the enhanced value without defeating the purpose of the program I'd like to hear it also. All right. So we're on 1298.

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions?
Motion carries. That's approved. **(Vote: 6/0/0/0).**

***1299 (Sale of County-owned real estate pursuant to Local Law 13
•1976 Keith P. Levenson (SCTM No. 0200•750.00•05.00•001.000 &
002.000)).***

Mr. Zwirn?

MR. ZWIRN:

This is roughly 50 by 100.

LEG. MONTANO:

50 by 100?

MR. ZWIRN:

50 by 100.

LEG. MYSTAL:

Please, let's not go through it because we're going to get the same
answers. Let's just move on.

LEG. ROMAINE:

This is in a neighborhood where 50 by 100 homes are prevalent.

MR. ZWIRN:

There were four adjacent landowners and only one bid on it.

CHAIRMAN MONTANO:

Motion to table.

CHAIRMAN D'AMARO:

There's a motion to table. Is there a second?

LEG. KENNEDY:

Yes, second.

CHAIRMAN D'AMARO:

Seconded by Legislator Kennedy. All in favor? Any opposed? Motion carries. The IR is tabled. **(Vote: 6/0/0/0).**

CHAIRMAN D'AMARO:

All right. IR 1300.

MR. ZWIRN:

The one we just tabled has no road frontage.

LEG. MONTANO:

Ben, it's tabled.

MR. ZWIRN:

Okay. If you give us a second sometimes we can add some information which would help in the vote.

MS. ZIELENSKI:

This is the 30 foot lot.

LEG. MYSTAL:

You want to do reconsider, Legislator Romaine?

LEG. ROMAINE:

Fine.

CHAIRMAN D'AMARO:

You want to make a motion, Mr. Romaine?

LEG. ROMAINE:

I'll make a motion to reconsider.

CHAIRMAN D'AMARO:

Motion to reconsider by Legislator Romaine.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Second by Vice Chair Mystal. All in favor? Any Opposed? Abstentions? The motion is now •• the IR is now before the committee once again.

(1299 • Sale of County•owned real estate pursuant to Local Law 13 •1976 Keith P. Levenson (SCTM No. 0200•750.00•05.00•043.000).

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion to approve. Same motion, same second, on the consent calendar. All in favor? Any opposed? Abstentions? Motion carries. That resolution is approved. **(Vote: 6/0/0/0).**

LEG. MYSTAL:

Montano •• Stern. She is looking for the second is.

CHAIRMAN D'AMARO:

Oh, apologize. ***1300 (Sale of County•owned real estate pursuant to Local Law 13•1976 Frank Pizzicarola (SCTM No. 0200•598.00 •05.00•043.000).***

MR. ZWIRN:

28 by 128.

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions? The motion carries, consent calendar. **(Vote: 6/0/0/0).**

1301 (Sale of County•owned real estate pursuant to Local Law 13 •• 1976 Luis Velasco and Sonia Velasco, his wife (SCTM No. 0200 •446.00•03.00•024.000).

MR. ZWIRN:

25 by 101.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions?
Motion carries. **(Vote: 6/0/0/0).**

1302 (To convey title to County•owned real property pursuant to Section 215, New York State County Law Spur Construction Co., Inc. (SCTM No. 0100•205.00•03.00•013.003). Is there a motion?

LEG. MYSTAL:

A motion, but a little bit of explanation. What's up with this one? It's a 215.

MS. ZIELENSKI:

Twenty•six by 400.

LEG. MYSTAL:

No, no. This is a 215. That's not a 13. It's a redemption?

MR. NOLAN:

No. It's actually •• it's actually a direct sale to an adjacent owner situation. I've spoken with Ms. Zielenski about this. Pat, would you?

MS. ZIELENSKI:

We're at 1301 •• 1302?

CHAIRMAN D'AMARO:

1302.

LEG. MONTANO:

It's a Section 15.

MR. NOLAN:

I think Ms. Zielenski can explain what this is about.

CHAIRMAN D'AMARO:

Okay. Ms. Zielenski.

MS ZIELENSKI:

This is a very awkward piece.

MR. ZWIRN:

Which one, 1302? Wayne, do you know this one?

MR. THOMPSON:

This was a parcel we acquired by agreeing to an abandonment of a roadbed. It wasn't taken by tax deed, it wasn't taken by condemnation. We agreed to a road abandonment where they got half the property and we go half adjacent to a recharge basin. And since DPW had no use for it, the adjoining neighbor who's building I think a senior citizen housing or something like that, requested it and we are selling it to them.

CHAIRMAN D'AMARO:

The County participated in the road abandonment as an adjoining owner.

MR. THOMPSON:

That's right.

CHAIRMAN D'AMARO:

What's the size of this parcel?

MS. ZIELENSKI:

It's 26 by 419 feet.

CHAIRMAN D'AMARO:

Adjoining a recharge basin.

MS. ZIELENSKI:

Twenty•six by 419.

CHAIRMAN D'AMARO:

Okay. All right.

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions?

Motion carries. **(Vote: 6/0/0/0).**

1303 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Sea Side Realty LLC (SCTM No. 0200•777.00•06.00•007.000).

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions?

Motion carries. **(Vote: 6/0/0/0).**

1304 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Barbara Abendroth, executor of the estate of Florence P. Paynter (SCTM No. 0200•980.60•08.00•036.001).

LEG. MYSTAL:

Is this as of right?

LEG. ROMAINE:

They're Local Law 16.

MS. ZIELENSKI:

This is 16.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions?

Motion carries. **(Vote: 6/0/0/0).**

1305 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Aledric Realty Corp. (SCTM No. 0800•108.00•01.00•015.000).

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Same motion, same second. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1312 was previously approved.

1316 (Approving an agreement to acknowledge a lease between Verizon Wireless and Veterans Memorial LLC, and consenting to the use of a portion of the rooftop at County leased facilities by Verizon).

Introduced at the request of the County Executive. Is there a motion?

LEG. MYSTAL:

I'll make a motion for the purpose of getting the explanation.

CHAIRMAN D'AMARO:

Okay. Motion by Vice Chair Mystal. I'll second. Mr. Zwirn.

LEG. MYSTAL:

Mr. Zwirn, explanation.

MS. BRADDISH:

Hi, Basha Braddish, County Attorney's Office. This is an agreement regarding the MacArthur Center. We leased the building. The lease specifically excluded rights to the rooftop. At this time, the landlord is now entering into an arrangement with Verizon to use the rooftop. However, they need access to the rooftop through our elevator. So basically it's just giving them a right to go into the building to access the rooftop.

CHAIRMAN D'AMARO:

All right. There's a motion. I'll call the question. Are we okay? All in favor? Any opposed? Abstentions? Motion carries. Resolution is approved. **(Vote: 6/0/0/0).**

1321 (Authorizing the County Clerk to file an application for additional State Mortgage Tax Reimbursement).

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Motion by Vice Chair Mystal.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano.

LEG. MONTANO:

On the motion.

CHAIRMAN D'AMARO:

On the motion.

LEG. MONTANO:

Explanation, quickly.

LEG. MYSTAL:

We get money.

LEG. ROMAINE:

The explanation is that the County Clerk is entitled to legitimate reimbursement of their expenses out of the mortgage tax proceeds. This is 100% non-county money. So we are only looking to increase •• the County Clerk's Office is looking to increase the amount their getting for processing the mortgages and the mortgage tax that goes with it.

CHAIRMAN D'AMARO:

Thank you, Clerk Romaine, for that explanation •• I mean Legislator Romaine. All right. There's a motion pending. All in favor? Any opposed? Abstentions? The motion carries. **(Vote: 6/0/0/0).**

1325 (Authorizing certain technical corrections to the 2006 Adopted Operating Budget). Introduced by the Presiding Officer.

LEG. MYSTAL:

Motion to approve and explanation.

CHAIRMAN D'AMARO:

I'll second.

MR. NOLAN:

1321 •• 25, the resolution corrects the name of three groups that are to receive omnibus funding.

CHAIRMAN D'AMARO:

Okay. Motion as stated. All in favor? Any opposed? Abstentions? Motion carries. The IR is approved. **(Vote: 6/0/0/0).**

1343 (Review of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act). Introduced at the request of the County Executive.

LEG. MYSTAL:

Aha.

LEG. MONTANO:

I'll make a motion.

LEG. ROMAINE:

This is •• yeah, let's table this.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve the resolution, seconded by Vice Chair Mystal.

LEG. MONTANO:

Explanation.

CHAIRMAN D'AMARO:

Ms. Zielenski, go ahead please.

LEG. MONTANO:

Quickly.

MS. ZIELENSKI:

We •• we by Charter we have to provide you with our auction rules every year for your approval. It has been delayed because we haven't been doing auctions. We hope to be able to do one this year, so we need to reaffirm the rules. It ••

LEG. MONTANO:

We're not changing any rules, are we?

MS. ZIELENSKI:

It also is important because we cannot do auctions on any of the brown fields properties. We have some coming up this year that we would like to accomplish and we need the rules approval for that.

LEG. MONTANO:

My question was we're not changing any of the old rules, are we?

MS. ZIELENSKI:

No.

LEG. MONTANO:

This is pro forma, okay.

CHAIRMAN D'AMARO:

Legislator Mystal.

LEG. MYSTAL:

My question is can we change any of the rules?

LEG. MONTANO:

Sure.

LEG. ROMAINE:

Yes, we can.

MS. ZIELENSKI:

I defer to Counsel.

LEG. MYSTAL:

Counsel just said, "Sure".

LEG. MONTANO:

No. I said, "Sure," he didn't say, "Sure".

MR. NOLAN:

Well, the way ••

LEG. MYSTAL:

Assistant Counsel said, "Sure".

CHAIRMAN D'AMARO:

All right. Let's hear from Mr. Nolan, please.

MR. NOLAN:

The way the law is drafted is they draft the laws, they have to come here for approval. So, not directly, I wouldn't say we could reject the rules and say, "We're not going to approve them until you make a change," but the way the statute is drafted is they produce the rules, they give them to us to approve every •• every year.

LEG. MYSTAL:

In other words, if I don't like the law, I can squeeze them.

MR. NOLAN:

If you don't like the rules, you could squeeze them.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Legislator Kennedy, please.

LEG. KENNEDY:

Again, I'll try to keep it real quick, but some of the issues that we've talked about earlier today, if you take a look at these rules and regs and you just go to 37 and 38, we, by adoption of these rules, are voluntarily taking on the obligation, or we indicate that we're going to use all our efforts to attempt to go ahead and resolve title issues in title matters. You know, I continue to struggle with this notion as far as to what level we as an entity will go to resolve questions that might arise. We convey by way of quit claim, which everybody knows is for what it's worth.

MS. ZIELENSKI:

No. No, that's not true.

LEG. MYSTAL:

No.

LEG. KENNEDY:

We don't convey •• well, bargain and sale without covenants, which means that we have done nothing to go ahead and diminish title while we've held.

MS. ZIELENSKI:

That's correct.

LEG. KENNEDY:

But we still make no representations. Nevertheless, we adopt rules and regs that say we'll make all our best efforts to go ahead and resolve title, clear it and convey it clean. So I would say to my colleagues that, you know, we

are in opposition, if you will, by virtue of embracing or adopting these rules.

LEG. ROMAINE:

Make a motion to table.

LEG. KENNEDY:

I'll make a motion to table.

LEG. ROMAINE:

I'll second.

CHAIRMAN D'AMARO:

Well, I'd like to first give Ms. Zielenski an opportunity to respond to that.

MS. ZIELENSKI:

We feel we have some obligation to provide marketable title. Why would anyone want to come to our auction and bid on parcels if we weren't stating that we would provide marketable title?

LEG. KENNEDY:

People buy titles that are subject to impediments and other resolutions all the time, as you know, and subsequently go ahead and resolve them, be it liens, be it questions of unknown owners, remote owners, distance heirs, all types of things. It is decisions that are made out there in the marketplace and it goes to some of the comments I made earlier about the title industry, which is a zero-risk based industry, and is very content to have the municipality incur all the costs associated with taking the parcel and turning it into pristine property. That's the issue that I go to.

MS. ZIELENSKI:

I don't think we try to get it to the pristine level, we just try to get it marketable.

LEG. ROMAINE:

There's a motion to table?

LEG. KENNEDY:

Yes, I made a motion to table.

LEG. ROMAINE:

Second.

CHAIRMAN D'AMARO:

And also on the motion, you know, I think there's a valid and affirmative purpose or a public purpose to having some policy of trying to provide some clearance of title. Many times clearing title is a very simple act. I think it would •• I think it enhances the process. All right? Now •• so I don't think the answer is to strike anything under the rules that would say in no instance will the County attempt to clear title when it may just be a ministerial act of filing a satisfaction or something like that. Why not •• why not leave it as a discretionary obligation on the County's behalf.

LEG. KENNEDY:

Again, Mr. Chair, I guess, you know, in all due deference, what I would say is that, very quickly, reading the language in 37 and 38, I don't see any gradation in the efforts as far as what we are embracing. If we could •• you know, agreed of course, I mean ••

CHAIRMAN D'AMARO:

Well, 37 ••

LEG. KENNEDY:

We're filing a _sat_.

CHAIRMAN D'AMARO:

Yeah, 37 and 38 go to really insurable title as a practical matter. That is the standard applied in all real estate transactions that I'm aware of, or most of them anyway. And you're not going to •• you're not going to have a workable process if we're not making some attempt to meet the title insurer's insurable standard. I mean, we would never sell a property then, or a lot of them would not be sold.

LEG. KENNEDY:

Again, the time goes very, very late, and I guess that's why I suggested that

we table it at this point if for just one cycle. I would discuss with you, I guess, efforts that a contract vendee might take to go ahead and resolve title. As you well know, purchasers all the time can make efforts to go ahead and resolve matters that are of, you know, ambiguity and things such as that.

CHAIRMAN D'AMARO:

Well, just very quick. Paragraph 38 does say the Director of Real Estate can choose not to pursue the insurance from an alternative title insurer and cancel the transaction. So there is a built-in discretionary element here that if it is cost prohibitive to pursue it or too time consuming, it shouldn't be done, I agree with you.

LEG. KENNEDY:

Again, but I'll just point out the discussion that we had that was about a 30-minute discussion probably about two-and-a-half hours ago that went on about a 20-something year old property that Real Estate was attempting to go ahead and resolve because they felt that it went to issues of marketability, marketable title.

LEG. MYSTAL:

Mr. Chair, there's a suggestion. You know, since this seems to be a very lengthy discussion, why don't we approve it, and when we come on Tuesday to vote on it, we can table it if we're not satisfied with what we're doing. How is that, Ed? You know, we can send it out without recommendation, and on Tuesday, if we still have problems with the resolution, we can table it then on Tuesday.

CHAIRMAN D'AMARO:

All right. Legislator Montano.

LEG. MONTANO:

Yeah, quick question. We're not •• Pat, we're not doing any auctions because of the Toussie litigation; am I correct? So we don't need to pass this today, do we? Is it time sensitive?

MS. ZIELENSKI:

The time consideration has to do with a stipulation that the County's entered into with the EPA ••

LEG. MONTANO:

Okay.

MS. ZIELENSKI:

•• regarding brown fields, where we're required to auction the ••

LEG. MONTANO:

So it is time sensitive.

MS. ZIELENSKI:

So it is time sensitive, yes, sir.

LEG. MYSTAL:

Yeah, we do have some time.

LEG. MONTANO:

All right. Then we •• then I would recommend that if it's time sensitive, I recommend we go along with Legislator Mystal's recommendation that we get it out of committee, and we have a week to discuss it, or four days.

CHAIRMAN D'AMARO:

Okay. Legislator Mystal, would you like to offer a motion?

LEG. MYSTAL:

Motion to approve.

LEG. MONTANO:

Withdraw the motion.

LEG. ROMAINE:

It's not my motion it's John Kennedy's.

LEG. MYSTAL:

There's a tabled resolution. We have to vote on that first, unless you want

to withdraw it.

LEG. MONTANO:

It's up to you.

LEG. KENNEDY:

I still feel strongly that there's issues in here. I'm •• and again, now we're into an even further area. This is something we discussed in executive session. I certainly wasn't cognizant of something like this having to be done to effectuate a settlement that I think we were talking about previously.

LEG. MONTANO:

If I may, then. I would suggest in base of what was •• because of the lateness of the hour, let's •• let's move it to the floor, and on Tuesday if we have some concerns, then we can always table it Tuesday.

LEG. KENNEDY:

I'll do this. I'll withdraw the motion to table and then I'll restate a motion to discharge without recommendation. I do not want to make a motion for approval ••

LEG. MYSTAL:

I'll go with it.

LEG. KENNEDY:

•• because I've got firm questions with it.

LEG. MONTANO:

I'll second that.

LEG. KENNEDY:

So I'll make a motion to discharge without recommendation.

LEG. MONTANO:

I'll second it.

LEG. MYSTAL:

We'll do that, okay.

CHAIRMAN D'AMARO:

All right. Motion as stated by Legislator Kennedy, to discharge without recommendation. Seconded by Legislator Montano. All in favor? Any opposed? Abstentions?

LEG. ROMAINE:

Abstain.

CHAIRMAN D'AMARO:

Legislator Romaine abstains. Motion carries. **(Vote: 5/0/1/0
Abstention: Legislator Romaine)**

1344 was previously voted and approved.

1346 (Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Islip) (0500•367.00•02.00 •100.000)).

LEG. MONTANO:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Montano, seconded by Vice Chair Mystal. All in favor? Any opposed? Abstentions? And that's for the consent calendar as well? No? Okay, that's not on the consent calendar. And the motion carries. **(Vote: 6/0/0/0).**

1348 (Authorizing the placement of certain properties owned by the County of Suffolk in public use pursuant to Section 406, New York State Real Property Law).

LEG. MYSTAL:

I'm going to make a motion to approve just for the purpose of discussion. That's a new one on me. What is this, Ms. Zielenski?

MS. ZIELENSKI:

This is a property in and around Fire Island that we offered to the federal government and they're unable to accept it even if we donate it so because of their acceptance process is so complex and expensive. So, in the meantime, we were intending to put it in a holding pattern.

LEG. MYSTAL:

In other words, the federal government doesn't want it because it's going to cost them too much money.

MS. ZIELENSKI:

It's not that they don't want it, it's that they don't have the budget in place right now to go through their process to be able to accept it.

LEG. MYSTAL:

So we're going to put a parachute on it and let it float for awhile. Thank you.

MR. KENNEDY:

Does this, through the Chair, does this take this off the tax rolls at this point?

MS. ZIELENSKI:

Yes, it does. Most of it •• a great deal of this is land under water.

LEG. KENNEDY:

Okay.

CHAIRMAN D'AMARO:

All right. There was a motion to approve and seconded by Legislator Montano. All in favor? Any opposed? Abstentions? The motion carries.
(Vote: 6/0/0/0).

***1349 (Sale of County-owned real estate pursuant to Local Law 13
•1976 Donato Ambrosio (SCTM No. 0200•685.00•03.00•022.000).***

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Same motion, same second. All right. Motion to approve made by Vice Chair Mystal. I'll second, and to place on the consent calendar. This is on 1349. On the motion, anyone?

LEG. KENNEDY:

Yeah. Mr. Chair, I'm opposed to this one. This is a 50 footer.

LEG. MYSTAL:

50 footer?

LEG. KENNEDY:

Yeah, it is, 50 by 100, I believe. Thirteen forty•nine we're on?

LEG. ROMAINE:

Mr. Chairman, I believe this is a 50 by 100 parcel in the Hamlet of Water Mill in the Town of Southampton.

MS. ZIELENSKI:

1349?

LEG. MYSTAL:

Yes.

LEG. KENNEDY:

We're in Brookhaven, aren't, with •• it's 0200.

MS. ZIELENSKI:

It's in Brookhaven.

MR. ZWIRN:

It's in Brookhaven, which just misses Water Mill by a million dollars.

LEG. ROMAINE:

This is in Eastport, which is my district. I'd like to go along with Mr. Kennedy's recommendations to table this.

LEG. KENNEDY:

Yeah, I'll make the motion to table. It's a 50 footer.

CHAIRMAN D'AMARO:

Seconded by Legislator Romaine. All in favor? Any opposed? Abstentions? Motion carries. The IR is tabled. **(Vote: 6/0/0/0).**

1353 (Appointing member to the Judicial Facilities Agency (Steven Rossetti)). I'd offer a motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1369 (Transferring cash balances from the County Road Construction Fund (Fund 526) and accepting revenue in the County Road Fund (Fund 105)).

I'll offer a motion to approve.

LEG. MONTANO:

Second.

LEG. MYSTAL:

I'll second. A little bit of explanation, Ben.

MR. ZWIRN:

Do you want to do this one? We'll give it to Gail.

MS. VIZZINI:

This is a •• revenue to the County Road Fund in the amount of 115,484

from an off budget fund, the County Road Construction Fund. It will be applied to pay the debt service in the County Road Fund.

LEG. MYSTAL:

Okay. And you don't see any problem with it, though.

MS. VIZZINI:

No.

LEG. MYSTAL:

Thank you.

CHAIRMAN D'AMARO:

All right. Motion as stated. All in favor? Any opposed? Abstentions?

Motion carries. **(Vote: 6/0/0/0).**

1370 (Sale of County-owned real estate pursuant to Local Law 13 • 1976 George E. Fitzgerald and Denise Filaski, joint tenants with rights of survivorship (SCTM No. 0400•010.000•02.00•004.001). Is there a motion?

LEG. MYSTAL:

Motion.

MR. ZWIRN:

Thirty by 346.

CHAIRMAN D'AMARO:

Motion by Vice Chair Mystal to approve and place on the consent calendar.

I'll second. All in favor?

LEG. ROMAINE:

Question.

CHAIRMAN D'AMARO:

I'm sorry. Legislator Romaine.

LEG. ROMAINE:

A quick question. Is one of the adjoining owners the Town of Huntington?

MS. ZIELENSKI:

Yes.

MR. THOMPSON:

Yes, they are. They have declined interest in the property.

LEG. ROMAINE:

They have declined interest.

MR. THOMPSON:

I've spoken to Margo Miles I guess it is?

MS. ZIELENSKI:

Yes.

MR. THOMPSON:

And they were okay with the sale as long as it was not allowed to be used for going into the park.

MS. ZIELENSKI:

Access into the Huntington property.

MR. THOMPSON:

They didn't want any access. They are just sealing it off.

LEG. ROMAINE:

Thank you.

CHAIRMAN D'AMARO:

Motion as stated and to place on the consent calendar. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1388 (Amending the 2006 Capital Budget and Program and appropriating funds from the 2006 Capital Budget in connection with

the Optical Disk Imaging System • • Redacting Software Application (CP 1751). Introduced at the request of the County Executive. Is there a motion?

LEG. MONTANO:

Motion.

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Montano, seconded by Vice Chair Mystal. On the motion.

LEG. MYSTAL:

Ben, is this for the \$250,000 software that we want to buy to correct our boo•boos?

MR. ZWIRN:

Sharon Cates•Williams is here. She was going to come back and talk about this one.

CHAIRMAN D'AMARO:

Commissioner, welcome back.

MS. CATES•WILLIAMS:

Thank you. Yes, this is the request by the acting County Clerk for 225,000 coming out of the 2006 Capital Budget. What this is, is it will be for the purchase of a redacting software application used on the existing optical disc imaging system. The purpose of this software is to mask or hide the 25 million digital images that currently exist in the system.

CHAIRMAN D'AMARO:

Do we know if it works?

MS. CATES•WILLIAMS:

Yes. I actually have met with the vendor and saw a demonstration. I've

also worked very closely with Pete _Schlessler_ and his group from the County Clerk's Office and we are pretty confident that this is going to satisfy that problem. It does not alter the original document. It just creates a separate image with a, you know, a little black box over the Social Security number.

LEG. MYSTAL:

And the County Clerk didn't have to put in their own resolution.

MS. CATES•WILLIAMS:

I'm sorry?

LEG. MYSTAL:

Never mind.

CHAIRMAN D'AMARO:

All right. There is a motion to approve pending before the committee. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries unanimously. **(Vote: 6/0/0/0).**

1392 (Instituting a six month moratorium on Local Law 13 sales).

I'll offer a motion to table. Is there a second?

LEG. MONTANO:

It's my bill. I'll second it.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano.

LEG. MYSTAL:

We are very appreciative.

CHAIRMAN D'AMARO:

All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1393 (Adopting Local Law No. 2006, a Local Law to amend the membership of the Hispanic Advisory Board). Introduced by Legislator Montano.

LEG. MONTANO:

It has to be tabled for public hearing.

CHAIRMAN D'AMARO:

So moved. Seconded by Legislator Stern. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1395 (Adopting Local Law No. 2006, A Local Law to amend the Suffolk County Code of Ethics and the Suffolk County Financial Disclosure Law).

LEG. MONTANO:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to table. I'll second. All in favor? Any opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1397 (Adopting Local Law No. 2006, A Local Law amending the composition of the Suffolk County Space Management Steering Committee). Introduced by Legislator Kennedy.

LEG. KENNEDY:

Does it have to be tabled to public hearing?

MR. NOLAN:

Yes.

LEG. KENNEDY:

Okay. I'll make a motion.

CHAIRMAN D'AMARO:

Motion by Legislator Kennedy to table. I'll second. All in favor? Any

opposed? Abstentions? Motion carries. **(Vote: 6/0/0/0).**

1406 is been previously acted upon and approved.

Memorializing Resolutions

Moving to the next section of the agenda, item VII, Memorializing Resolutions. I'll call the first. ***M.011 (Memorializing resolution in support of amending the County Law to prohibit a County Clerk's Office from accepting for filing or recording any documents which include the social security number of any person (Assembly Bill A.9996 and Senate Bill S.6766).*** Introduced by Legislator Romaine.

LEG. ROMAINE:

And Legislator Cooper. He's my cosponsor.

CHAIRMAN D'AMARO:

And Cooper.

LEG. ROMAINE:

I make the motion.

LEG. MYSTAL:

I'll second.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

All right. Motion by Legislator Romaine to approve, seconded by Legislator Mystal.

LEG. KENNEDY:

Through the Chair, if I can just ••

CHAIRMAN D'AMARO:

Yes.

LEG. KENNEDY:

•• ask the sponsor and/or Counsel, which section of law would this seek to amend?

LEG. ROMAINE:

This would create a new section of law that would prohibit County Clerk's Offices, make it •• prohibit the County Clerk's Offices from accepting any document that had social security numbers on them.

LEG. KENNEDY:

But is it real prop or is it ••

LEG. MONTANO:

Section 528A.

LEG. ROMAINE:

Of county law.

LEG. KENNEDY:

It's of County law?

CHAIRMAN D'AMARO:

Okay? All right. Motion as stated. I'll call the vote. All in favor? Any opposed? Abstentions? The motion carries. **(Vote: 6/0/0/0).**

Finally, ***M.017 (Memorializing resolution in support of shared parenting bills)***. Introduced by Legislator Cooper. Is there a motion?

LEG. MYSTAL:

Motion. And the legislation does not list the bill ••

CHAIRMAN D'AMARO:

No, it doesn't.

LEG. MYSTAL:

•• that we are supporting. But there are two bill. I think it's A.330 and

S.291 if I'm correct. There are a couple of bills in the Assembly.

CHAIRMAN D'AMARO:

Right.

LEG. MYSTAL:

So even though it doesn't list it, the resolution is in compliance.

CHAIRMAN D'AMARO:

Right, it is just not listed on the agenda. Okay. All right. Motion to approve by Vice Chair Mystal. Is there a second?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. All in favor? Any opposed? Abstentions? The motion carries. **(Vote: 6/0/0/0).**

I believe there is a request for executive session.

MS. BIZZARRO:

No, no need.

LEG. MYSTAL:

Thank you, Ms. Bizzarro. I love you.

CHAIRMAN D'AMARO:

No? We're good. Thank you. Motion to adjourn. Thank you for your patience, ladies and gentlemen. I appreciate it.

(The meeting was adjourned at 1:21 p.m.)

_ _ Indicates Spelled Phonetically